



LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED AT THE SIXTEENTH SESSION.

OF THE

GENERAL ASSEMBLY,

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

BY AUTHORITY.

INDIANAPOLIS.

PRINTED BY DOUGLASS AND MAGUIRE.

1832.

LAWS

OF THE

STATE OF INDIANA.

CHAPTER I.

An Act supplemental to an act, providing means for the construction of the Wabash and Erie Canal.

[APPROVED, JANUARY 9, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the final location and reported estimates of Joseph Ridgeway, Jr. the late Engineer of the middle section of the Canal, contemplated to connect the waters of the Wabash river and Lake Erie, embracing the St. Joseph feeder, and the canal line from thence to Little River, be, and the same are hereby approved and adopted. And for the purpose of commencing, carrying on and completing the construction of the part thus finally located, and of the residue of said canal, from the Ohio state line to the Tippecanoe river, as established by an act of the general assembly of this state, entitled "an act concerning the Wabash and Miami Canal," approved January 3d, 1829, and the estimate of the entire cost whereof, as made by the United States' Engineer, is \$1,081,970 00. The duties of the Board of Canal Commissioners now organized, shall be, and the same are hereby changed, transferred and extended in manner hereinafter stated.

Ridgeway's location adopted.

SEC. 2. That for the purpose of carrying into effect the object hereby contemplated, there shall be constituted a fund, to be denominated the "Canal fund," which shall consist of such monies as arise from the sale of the lands donated by the United States to this state, for the construction of said canal, and such as may be procured under the authority of the legislature of this state, by loans predicated on the amount arising from the sale of said canal lands; all monies which may from time to time proceed from the tolls of the canal, and the use of all privileges whatsoever, created by its construction, and also any monies, which by donation, grant, or otherwise, may at any time be set apart to advance the construction of said canal.

Canal fund constituted.

SEC. 3. That there shall be established a Board of Commissioners, to consist of three members, to be appointed and commissioned under the requisitions of this act, by the

Commissioners of canal

fund, how appointed and removed.

Vacancies.

A majority shall be a quorum.

Bond & oath of commissioners.

Loan how effected, for what time & how redeemed.

Proviso.

Pledge of redemption.

governor of this state, by and with the advice and consent of the Senate, and to be denominated the Commissioners of the Canal fund; and the said Board shall continue until the loans procured under its operations be wholly paid; and any vacancies occurring in said Board, by death, resignation or otherwise, shall be filled under like restrictions and in like manner, every such Commissioner being subject to removal by good cause shewn, by a joint resolution of the general assembly. A majority of said Commissioners shall be a quorum for transacting business; they shall superintend and manage the canal fund, and shall receive, arrange and manage to the best advantage, all things thereto belonging; and before entering upon any of their duties, the said Commissioners shall severally take an oath and give bond for the faithful discharge of their duties, as required by law of the Canal Commissioners.

SEC. 4. That the said Commissioners of the Canal fund, be, and they are hereby authorized and directed to contract with any individual, corporation or company, for a loan to the amount of two hundred thousand dollars, which, with the monies immediately arising by cash payments of the sale of canal lands, is estimated to be sufficient to construct the middle section and feeder of said canal, on a credit of thirty years, but redeemable in whole or in part after the period of twenty years, at the option of the state; and said loan to be at a rate of interest not exceeding six per centum per annum, and to be so negotiated that the same may be drawn in portions from time to time, and be subject to interest only as it may be required in completing the contracts entered into from time to time, and for other expenses relative to said canal; *Provided*, That at no period shall there be an amount so drawn of said loan, to exceed the amount due on the sales of the Canal lands; and the said Commissioners shall issue transferable certificates in the name of the state, upon drawing such loan, which shall be countersigned by the Treasurer of State.

SEC. 5. That for the payment of the interest, and the redemption of the principal of the sums of money which may be borrowed under the authority of the general assembly, for the construction of said canal, to the extent of the estimated cost thereof, in the first section of this act stated, there shall be, and are hereby irrevocably pledged and appropriated, all the monies in any manner arising from the lands donated by the United States to this state for the construction of said section of canal, the canal itself, with the said portion of land thereto appertaining, or as much thereof as will realize by sale the sum borrowed, and all privileges thereby created, and the rents and profits thereof

belonging to the state, and the nett proceeds of tolls collected on said canal or any part thereof, as finished; the sufficiency of which for the purposes aforesaid, as above allowed and provided for, the state of Indiana doth hereby irrevocably guarantee.

SEC. 6. The Commissioners last named, shall have full power, by appointing one or more agents or otherwise, to make all such arrangements for obtaining loans according to law, and for the payment of interest thereon, and the transfer, transmission and deposit of monies, as they may deem conducive to the public interest; and in making such deposits, to select such bank or other safe depository, that may yield the best interest on the fund during such deposit, regard being always had to the entire safety of the investment or deposit. And upon the organization of said Board, they are authorized to close the account of the canal fund received at the state treasury, and to draw the same therefrom, as a part of the said canal fund hereby constituted, and make the most profitable investment or deposit thereof, as above directed, until it may be otherwise required: and therefore, the canal commissioners shall, under the same limitations as heretofore provided in the act to which this is a supplement, pay over all monies in any manner arising from the canal lands, directly to the Commissioners of the canal fund, who shall in every respect discharge the duties heretofore devolving in this behalf on the treasurer of state; whose duties and emoluments relative to said canal proceeds, from the time of the organization of said Board, shall cease, except as herein provided, and his books relating thereto and devoted to future entries thereof, shall be transferred to and kept by said Commissioners.

SEC. 7. That the said fund Commissioners shall pay the sums arising in any manner to said fund, to the canal commissioners, or their orders, from time to time, for the purpose of constructing the canal herein contemplated, under such regulations as may secure a faithful and correct accounting therefor: and the said canal commissioners shall, on or before the first Monday of December, annually, settle and account with the commissioners of the canal fund, for all such monies by them received from said fund, as above, in addition to the reports and returns otherwise of said canal commissioners heretofore required: which settlement so made, together with a full and minute account of the state of said fund, its receipt and disposal, their proceedings under this act, and any important recommendations relative to said fund, the fund commissioners shall annually report to the general assembly during the first week of its session.

Fund commissioners may appoint agents, &c.

Accounts with state treasury to be closed, and fund drawn, &c.

Duty transferred to fund commissioners.

Fund commissioners to pay over to canal commissioners.

Canal commissioners to account with fund commissioners, and report to general assembly annually.

Canal commissioners to receive moneys &c. for canal objects, advertise contracts on canal &c.

Proviso, limiting contracts.

Duplicate receipts.

Advances to contractors.

Privilege to take materials &c. to construct canal.

Donations & conveyances.

Damages to property, how ascertained and paid.

SEC. 8. That the canal commissioners shall be, and they are hereby authorized to receive from time to time, from the commissioners of the canal fund, such monies as may be necessary for and applicable to the objects hereby contemplated; and they shall proceed as soon as practicable, after giving two months public notice in such newspapers of this state and elsewhere, as they deem necessary, of the time, place and manner thereof, to enter into contracts for the expenditure of such sums, in the most judicious manner for the construction of the portion of the said canal, consisting of the St. Joseph feeder line, and the middle division, as herein finally located and approved: *Provided*, That no contracts shall be made in extent to exceed in all, the amount received and accruing from the canal lands sold at the time; and said commissioners shall take duplicate receipts for all sums of money they may expend in the work aforesaid, and duplicate copies of all contracts as above made in writing shall be executed, one of which receipts and copies of contracts shall be filed with the said commissioners of the canal fund; and no relief or extra allowance of any kind or in any case, shall be allowed in any contract, beyond the sum stipulated therein. And no advance of payment be made on any contract, nor any payment be made exceeding one half of the work actually completed, to be paid as it progresses, by the canal commissioners, at their discretion, on inspecting the work.

SEC. 9. That it shall and may be lawful for said canal commissioners, or each of them, or any of their agents, superintendents, engineers, or workmen acting under them, to enter upon and take possession of, and use all and singular, any lands, waters, streams and timber, stone or materials of any kind, necessary for the prosecution of the improvements contemplated by this act; and to make all such canals, feeders, dykes, locks, dams, and other works, as they may think proper in said prosecution, doing however no unnecessary damage: and the said canal commissioners are hereby authorized to receive on behalf of the state, from the owners of any such lands, such grants and conveyances as may be proper and competent to vest a good title thereof in the state, and also to receive grants of such materials as they may need: and in case any lands, waters, streams or minerals, taken and appropriated for any of the purposes aforesaid, shall not be given or granted to this state, or in case the owner or owners thereof shall be feme covert, under age, non compos, or out of the state or county, on application of said canal commissioners or either of them, to any justice of the peace of the county in which such lands be, the said justice shall issue his warrant to the sheriff of the county, to summon a jury of twelve inhabitants of the county, not re-

lated to the parties, nor in any manner interested, to meet on the land, or where the materials are to be valued, at a day stated in said warrant, not less than ten nor more than thirty days thereafter, and by public notice to be inserted in the nearest public newspaper to the place of trial, call upon the owner or owners of the materials; by name if known, if not, the unknown owner or owners to attend at said time and place, if he, she, or they may think proper: which warrant the sheriff shall execute; and when met, the said jury shall be sworn by said sheriff, faithfully, justly and impartially to estimate the loss or damage, if any, over and above the benefit accruing from the canal to such owner, in said premises or materials; and the inquisition thereupon taken, being signed by said jury, and certified by such sheriff, shall by him be returned to the clerk of the county in which said trial may be had; and unless good cause be shewn against said inquisition, it shall be affirmed and recorded by the circuit court of said county, at the first term thereof; but if said inquisition be set aside, or the same be not returned to the court at the first term, the court may as often as necessary, direct another inquisition, to be taken in manner as above prescribed; and upon the payment by the said canal commissioners of the damage so assessed by said inquisition, (which valuation shall be conclusive on all persons) which said commissioners are hereby directed to make, the fee simple of the premises, or the right of such water, stream or materials, shall be vested in the state: *Provided*, That no cause shall be permitted to be shewn against any inquisition, after the same shall have been affirmed and recorded as above: *And provided, also*, That where said lands or materials may not be situated in any organized county, the same proceedings in every respect relating thereto, shall be had in the nearest county thereto situated.

SEC. 10. That every person actually engaged in laboring on any part of the said canal, shall be exempt from doing militia or road duty, during the time he is so engaged, except in case of invasion or insurrection; and the certificate of the contractors employing such men, shall be prima facie evidence of such engagement; and no acting commissioner or engineer employed on said canal, shall be liable to be taken by capias or warrant in any civil suit arising out of their official duties, but they shall be subject to a summons.

SEC. 11. That no person shall construct any bridge across said canal, or build any wharf, basin or watering place, or shall make or apply any device whatever, for the purpose of diverting or turning away water from said canal, or the feeders connected therewith, without first obtaining permission therefor from the canal commissioners; and if

Proviso.

Exemptions in favour of persons engaged on the canal.

Penalty for diverting water from canal.

any person shall so offend, he shall forfeit and pay to the said canal commissioners, in the name of the state and for the use of the said canal fund, a sum not exceeding one thousand dollars, to be recovered in any court having jurisdiction to the amount of damages claimed by such commissioners.

Penalty for obstructing canal &c.

SEC. 12. That if any person or persons shall obstruct the navigation of said canal, by placing or sinking any substance therein, not destined and proper to be transported on said canal; or shall lay or place any obstruction on the towing path thereof, or shall wilfully injure the said canal, locks, gates, towing path, or works connected therewith; or not being authorized, shall open or shut any lock, gate, paddle, or culvert gate of said canal, such person shall for every such offence, forfeit and pay to the state, for said canal fund, any sum not exceeding one hundred dollars; and also treble damages to be recovered as above provided.

Hydraulic privileges may be let or sold.

SEC. 13. That to benefit the canal fund by rent or sale, the water privileges and hydraulic powers created by the said middle section of the canal, and other sections thereof, when authorized hereafter, are hereby committed to the control of said commissioners.

Compensation to commissioners.

SEC. 14. That each commissioner of the canal fund shall receive for his services as such, two dollars for each day necessarily employed in discharging his official duties, payable out of the canal fund, on vouchers signed by their board.

Notice of future sales of lands, how given.

SEC. 15. That in all future sales of canal lands, notice shall be given by the canal commissioners, by four weeks publication in such newspapers as they may deem proper of this state only: so much of the act entitled "An act, providing means to construct the portion of the Wabash and Erie canal within the state of Indiana," approved January the 28th, 1830, as comes within the purview of this act, and also a joint resolution, entitled "a joint resolution concerning the canal commissioners," approved February 10th, 1831, be and the same are hereby repealed.

Penalty for trespassing on canal lands.

SEC. 16. That if any person or persons shall cut down, destroy, or remove any timber or trees, standing or growing upon the unsold lands appropriated to construct the canal, he or they shall forfeit and pay to the state, for the use of the canal fund, five times the value of the timber or trees so cut, destroyed or removed, to be recovered by action of trespass, before any competent tribunal, upon the relation of any competent witness; and the canal commissioners, and all officers of this state, within their respective jurisdictions, are charged with the strict execution of this enactment.

CHAPTER II.

An Act for the formation of the County of La Porte, and for other purposes.

[APPROVED, JANUARY 9, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of April next, all that tract of country, included in the following boundaries, shall form and constitute a new county, to be known and designated by the name and style of La Porte county, to-wit: Beginning at the state line, which divides the state of Indiana and Michigan territory, and at the north-west corner of township No. 38, north of range No. 4, west of the second principal meridian; thence, running east with said state line, to the centre of range No. 1, west of said meridian; thence south, twenty-two miles, thence west parallel with the said state line, twenty-one miles, thence north to the place of beginning.

SEC. 2. That the new county of La Porte, shall, from and after the said first day of April next, enjoy all the rights and privileges, benefits and jurisdictions, which to separate and independent counties do, or may properly belong or appertain.

SEC. 3. That Samuel Lewis, of the county of Allen, Isaac Coleman, of the county of Fountain, Andrew Ingram, of the county of Clinton, Levi Thornton, of the county of Tippecanoe, and Merrit S. Craig, of the county of Ripley, be, and they are hereby appointed commissioners, agreeably to the act, entitled "An act, fixing the seats of justice in all new counties hereafter to be laid off." The commissioners aforesaid, shall meet on the second Monday in May next, at the house of David Pagan, in said county of La Porte, and shall immediately proceed to discharge the duties assigned them by law. And it shall be the duty of the sheriff of Carroll county, to notify said commissioners, either in person or by writing, of their appointment, on or before the first day of April next. And for such services, he shall receive such compensation as the board doing county business in said county of La Porte, may, when organized, deem just and reasonable; to be allowed and paid as other county claims.

SEC. 4. The circuit court and board doing county business, when elected under the writ of election from the executive department, shall hold their sessions as near the centre of the county, as a convenient place can be had, until the public buildings shall have been erected.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of the county of La Porte, shall reserve ten per centum out of the proceeds

Boundaries.

Commissioners to fix seat of justice, when to meet &c. Their compensation.

Courts, where held.

10 per cent for county library.

thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a county library.

Attached to
St. Joseph for
representa-
tive purposes.
County board
and their du-
ties.

SEC. 6. The county of La Porte shall be attached to the county of St. Joseph, for representative purposes.

SEC. 7. The board doing county business may, so soon as elected and qualified, hold special sessions, not exceeding three during the first year after the organization of said county, and shall appoint a lister, make all necessary appointments, and do and perform all other business which might have been necessary to be performed at any other regular session, and take all necessary steps, to collect the state and county revenue, any law or usage to the contrary notwithstanding.

This act to take effect and be in force from after its passage.

CHAPTER III.

An Act to provide for changing a part of the state road leading from Indianapolis, by way of Danville and Rockville to Montezuma.

[APPROVED, JANUARY 13, 1832.]

Commission-
er to relocate.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac I. Syliman of Parke county, be and he is hereby appointed a commissioner to re-locate a part of the state road, leading from Indianapolis by way of Danville and Rockville to Montezuma, to-wit: beginning at the line dividing the counties of Parke and Putnam, running thence with said line, and on the west side thereof, to the half mile stake at the termination of the old county road at the south east corner of Nathaniel Bristow's land, thence on the most suitable ground to the Rocky Ford on big Raccoon creek, thence on the most suitable ground to the present location where the line dividing the lands of George Bristow and Samuel Harlan crosses the same.

May employ
chain carri-
ers, &c.

SEC. 2. The said commissioner shall have power to employ chain-carriers, markers, and surveyors, sufficient to lay out said road as proposed by this act.

Oath of com-
missioner, his
report &c.

SEC. 3. The said commissioner, after taking an oath faithfully and impartially to discharge his duties, shall proceed as soon as convenient after the passage of this act, to view, mark, and re-locate the said road as heretofore directed, and it shall be his duty within ten days thereafter to return a true record of the same to the clerk of the Parke circuit court.

County board
shall cause

SEC. 4. It shall be the duty of the board doing county business, for the county of Parke, to cause the said road to

be opened any width not exceeding forty feet, and made agreeably to and under the provisions of the several acts for opening public roads and highways.

SEC. 5. It shall be the duty of the board doing county business for the county of Parke, to make such allowance to the commissioner, and those employed by him, as shall be just and reasonable, to be paid out of the county treasury, and in case of sickness, death, or resignation of the commissioner, it shall be the duty of the said board to fill such vacancy.

Compensa-
tion to com-
missioner &c.
Vacancy.

SEC. 6. That the said commissioner shall as soon as possible after he has completed the location and survey required in the first section of this act, proceed with his surveyor, chain-bearers, and markers, to re-locate that part of said state road, commencing at the south west corner of the north half of section thirty-six, in township number sixteen, north of range number nine west, thence east with the half section line to the range line, thence east six and a half degrees north, until it intersects the state road as now located. And it shall be his duty within ten days thereafter to return a true record of the same to the clerk of Parke circuit court; which route when surveyed and marked, from thenceforth shall be the true location of said state road. And that part of the present location where the present directed line intersects the present location to the town of Montezuma, shall be and is hereby vacated.

Another part
re-located—
report &c.

SEC. 7. It shall be the duty of the board doing county business, to cause the same to be opened in the same manner and form as is provided for opening the first mentioned re-location in section four of this act, and to allow the same per diem allowances to the commissioner, surveyor, chain-carriers and markers, as is provided for in section five of this act.

County board
shall cause
road to be
opened—
compensation
&c.

SEC. 8. This act to take effect and be in force from and after its passage and publication in the Indiana Journal.

CHAPTER IV.

An Act to provide for changing a part of the State Road, leading from New Albany to Salem, within Floyd county.

[APPROVED, JANUARY 13, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John K. Graham of the county of Floyd, be and he is hereby appointed a commissioner to re-locate so much of the state road leading from New Albany to Salem, by the way of John Shearley's, as lies between

Commission-
er's duties.

the two mile post from New Albany aforesaid, on said road, and the four mile post on the same, making a distance of two miles or thereabouts; which when so re-located, will pass over the chain of hills, called the Knobs in said county.

Oath of commissioner, his further duties report &c.

SEC. 2. The said commissioner shall on such day and time, as the board of commissioners doing county business in said county, shall designate, after taking an oath faithfully and impartially, to discharge the duties enjoined on him by this act, view, mark, and locate the said road, and if not already done, shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers, and as soon as may be after the location thereof, shall cause a report of the same to be filed in the clerk's office of the county aforesaid, which report shall be laid before the board of county commissioners, at their next meeting thereafter, and if approved by said board, the same shall be recorded in the record book of said board doing county business, and that part of the road when so located under the provisions of this act, shall be considered as, and be a part of the said state road, lying between the points aforesaid, and the board of commissioners in said county, is hereby authorized whenever the said new road is ready and fit for use, and they shall think it expedient and proper so to do, to vacate that part of the old road, lying between the points of intersection.

Compensation to commissioner, &c. Vacancy filled by county board.

SEC. 3. It shall be the duty of the board of commissioners in said county, to make such allowance to the commissioner aforesaid, and to each of the persons employed in the re-location of said road, as may be agreed upon, or as may be just and reasonable for their labour, and shall make such orders and take such other steps as they may deem necessary, in order to complete the location of said road consistently with this act, and the interests of the state and county aforesaid, and in case the said commissioner shall die, resign or refuse to qualify it shall be lawful for the board of county commissioners aforesaid, to appoint some suitable person to supply his place.

This act to be in force from and after its passage, and publication in the Indiana Journal.

CHAPTER V.

An Act to authorize the Marion Circuit Court to hold a special session.

[APPROVED, DECEMBER 29, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Judges of the Marion Circuit Court, be, and they are hereby authorized to hold a special term of the said court, any time in the month of December 1831, or January 1832, as shall be appointed, by the sheriff of the county of Marion, for the trial of John Enochs, now confined in the jail of said county, on a charge of grand larceny.

Court how convened.

SEC. 2. It shall be the duty of the sheriff of Marion county, when he shall appoint and fix upon said day, for holding such special term of the Marion circuit court, forthwith to give notice to the accused, and to the clerk and judges of said court; and such special session shall be governed in all respects, by the laws relative to the practice in the circuit court; and shall adjourn from day to day until the trial is ended; and the clerk shall issue venires, for a grand and petit jury, commanding the sheriff, to summon such of the grand and petit jurors, belonging to the regular pannel of the last Marion circuit court, as may be convenient; and may supply any deficiencies in either of said pannels, by summoning talesmen; and the clerks, judges, sheriff, and other officers concerned, shall be governed in all other respects, by the provisions of "An act, providing for called sessions of the circuit court," approved, February 12, 1825.

Sheriff shall fix day, summon juries, &c.

SEC. 3. The session of said court shall be held at such place in said county, as the judges thereof may direct.

This act to take effect, and be in force from and after its passage.

CHAPTER VI.

An Act to provide for changing a part of the State Road from Martinsville to Leavenworth.

[APPROVED, JANUARY 16, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Crawford of Morgan county, be, and he is hereby appointed a commissioner, to re-locate a part of the state road, from Martinsville to Leavenworth, to-wit: leaving the present state road, on the north side of Joshua Taylor's farm, one mile from Martinsville, thence running east of Taylor's house, to intersect at the corner

Commissioner and his duties.

of sections Nos. 4, 5, 8 and 9; thence the nearest and best way to the ford on Indian creek, near John Reed's farm.

Report.

SEC. 2. The commissioner aforesaid, shall cause the survey of said road, so re-located, to be recorded in the clerk's office of Morgan county, and the said road so recorded and re-located, shall from thenceforth, be considered a part of the state road. And so much of said road, as lies between the points on said road designated as aforesaid, shall from thenceforth be considered as vacated.

Surveyor, &c.

SEC. 3. The commissioner aforesaid shall have power to employ a surveyor, and a suitable number of chain-carriers and markers, to lay out said road, as proposed by this act.

Oath of commissioner.

SEC. 4. The said commissioner, after taking an oath, faithfully and impartially to discharge the duties required of him by this act, shall on the first Monday of March next, or on some subsequent day, proceed to view, mark and re-locate the said road as heretofore directed; and it shall be the duty of the board doing county business, in the said county of Morgan, to cause the said road to be opened any width, not exceeding forty feet, and made agreeably to, and under the provisions of the several acts, for opening and repairing public roads and highways.

County board shall cause a road to be opened.

Compensation to commissioner, &c.

SEC. 5. The board doing county business in the county of Morgan, shall make such compensation to the commissioner aforesaid, and the hands employed by him, as named in the third section of the act, for their services, as to them shall seem just and reasonable, to be paid out of the county treasury.

This act to be in force from and after its passage.

CHAPTER VII.

An Act to repeal an act, entitled "An act, for the relief of certain purchasers in the reserved township, in Monroe county," approved, February 1st, 1831.

[APPROVED, JANUARY 16, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That the act entitled "An act, for the relief of certain purchasers in the reserved township, in Monroe county," Approved, February 1st, 1831, be, and the same is hereby repealed.

This act to take effect from its passage.

CHAPTER VIII.

An Act to authorize the Vermillion Circuit Court to change the venue in a certain case therein named.

[APPROVED, JANUARY 20, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of the county of Vermillion, be and the same is hereby authorized and required to change the venue in a certain case now pending and undetermined in said court, wherein the state of Indiana is plaintiff, and James Burns is defendant on an indictment, to the circuit court of the county of Parke: *Provided,* That application be made to the circuit court of Vermillion county, for such change by said defendant or his counsel, by filing an oath or affirmation in said court, that it is believed that said defendant cannot have a fair trial, owing to local excitement or prejudice in said county.

State,
vs.
Jas. Burns.

SEC. 2. On such change of venue being taken, the circuit court of Parke county aforesaid, shall have the same jurisdiction to try said cause, as if the supposed offence in said indictment mentioned, had been committed by said defendant in the said county of Parke, and also full power and authority to summon and recognize witnesses, and to do and perform all other things proper and necessary, for the trial of said cause.

Transferred
to Parke
county.

SEC. 3. The papers in said cause shall be forwarded by the clerk of the county of Vermillion, to the clerk of the county of Parke, upon such change of venue being taken, in the same manner, and under the same regulations as are prescribed in an act, entitled "An act, prescribing the mode of changing the venue," Approved, January 28, 1824.

This act to take effect, and be in force from and after its passage.

CHAPTER IX.

An Act to legalize the proceedings of the School Trustees of Congressional township, No. 5, north of range 4, east in Jackson county.

[APPROVED, JANUARY 20, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That all and singular, the proceedings of the trustees of the school section in the congressional township five, north of range four east, in Jackson county, be and the same are hereby legalized and declared valid, notwithstanding it may appear that the said trustees or any of them may have neglected to qualify themselves by taking the oaths, or otherwise, as required by law.

This act to take effect, and be in force from and after its passage.

CHAPTER X.

An Act to incorporate the Danville School Society.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Simon T. Hadley, Willis G. Conduit, Thomas Nichols, William S. Crawford and their associates, are hereby constituted a body corporate and politic, and shall be known by the name of the "Danville School Society," in Hendricks county, and by that name shall have power to sue and be sued, to form a constitution, and to alter the same at pleasure, to make and use a common seal, to hold property real and personal, to the amount of five thousand dollars; to buy and sell, or otherwise dispose of the same at pleasure; shall have power to make by-laws, and to do and perform all other acts necessary to carry this act into full and complete effect, not being contrary to the constitution of the United States or of this state.

SEC. 2. That the officers of the society shall consist of a President, Secretary, Treasurer, and five Trustees, who shall be elected annually on the first Monday in March, by the members of said society, and shall serve until others are elected and qualified; and the persons named in this act, shall serve as trustees for said society until the first annual election after the taking effect of this act, and until others are elected and qualified.

SEC. 3. That the trustees and other officers of this society shall, before entering on the duties of their respective offices, take an oath or affirmation, for the faithful perform-

Corporate
style & pow-
ers.

Officers.

Oath of trus-
tees, &c.

ance of their respective duties, before some person authorized to administer the same.

This act to take effect, and be in force from and after its passage.

CHAPTER XI.

An Act to repeal an act, entitled "An act, to authorize the board of Justices of Bartholomew county, to levy an additional tax," Approved, January 10th, 1829.

[APPROVED, JANUARY 24, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That the act requiring the board of justices of Bartholomew county, to levy a poll tax of twenty-five cents upon each and every person in said county, liable to pay a poll tax for state purposes, and which required said tax to be paid in specie only, and which was required to be by said board appropriated to the finishing of the court house in said county, be, and the same is hereby repealed.

This act to take effect, and be in force from and after its publication.

CHAPTER XII.

An Act to revive an act, entitled "An act, for the relief of the subscribers to the building of the State Prison, and for other purposes," Approved, January 10th, 1831.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the supreme court of this state, at their next, or any subsequent session, to appoint commissioners, as is provided by the act which is hereby revived.

SEC. 2. It shall be the duty of the commissioners appointed in manner aforesaid, within three months after their appointment, to meet in the town of Jeffersonville, at such time and place in said town as a majority of them may agree upon, and be governed in all other respects by the act hereby revived.

This act to take effect and be in force from and after its passage.

Supreme
Court shall
appoint com-
missioners.

When and
where to
meet.

CHAPTER XIII.

An Act to authorize and require the Trustee of Public Seminary, in the county of Pike, to collect and loan Seminary Fund to said county, and for other purposes.

[APPROVED, JANUARY 24, 1832.]

Trustee shall collect.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustee of the seminary fund of the county of Pike, be, and he is hereby required to collect, so soon as they may become due, all sums of money that may have been loaned by him in virtue of his office.

Shall loan to county.

SEC. 2. That said trustee be, and he is hereby required to loan all sums of money now in his hands, or which may be collected by him, to the board of commissioners doing county business in the county of Pike, for the term of three years, at the rate of interest, not less than six per cent. per annum.

Rate of interest.

Appropriated to C. House.

SEC. 3. That all monies so borrowed by the said board of commissioners, shall be appropriated towards finishing a court house now building in the town of Petersburg, in Pike county, and to no other purpose whatever.

CHAPTER XIV.

An Act to dissolve the Corporation of the town of Crawfordsville, and for other purposes.

[APPROVED, JANUARY 24, 1832.]

Corporation dissolved.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the corporation of the town of Crawfordsville, incorporated under the act, entitled "An act, for the incorporation of towns," Approved, February 10th, 1831, be, and the same is hereby dissolved to all intents and purposes, as fully and effectually as if the same had never taken place.

Money now collected, how expended.

SEC. 2. The money in the hands of the treasurer of the corporation of said town, shall be expended upon the streets in the same, for their improvement, by the commissioners of said county; and the said treasurer of said corporation, is required to pay the same over to said commissioners on demand: *Provided*, That all debts heretofore contracted by said corporation, shall be first settled and liquidated.

SEC. 3. This act to be in force from and after its publication in the Crawfordsville Record, a paper published in Crawfordsville.

CHAPTER XV.

An Act for the relief of Francis McClelland of Marion county.

[APPROVED, JANUARY 24, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That the boards doing county business, in the counties of Marion and Boon, be, and they are hereby required, to allow out of the treasuries of their respective counties, such sum as they think reasonable, to Francis McClelland, of Marion county, the commissioner appointed by an act, approved, January 28, 1830, to locate a state road from Martinsville, by way of Lyon's mill and Mooresville, leading north to the Michigan road, for his services as such road commissioner, in proportion to the length of said road in the respective counties of Marion and Boon, agreeable to the provisions of the above named act.

Compensation for services as commissioner.

CHAPTER XVI.

An Act to establish a State Road from the county seat of Grant, to the county seat of Elkhart.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lewis Rogers, be, and he is hereby appointed a commissioner to survey and locate a state road on the nearest and best route, from the county seat of Grant, to the county seat of Elkhart.

SEC. 2. The commissioner aforesaid, after being duly sworn, faithfully and impartially, to discharge the duties assigned him by this act, shall proceed on or before the first day of June next, to survey and locate the said road, on the nearest and best route as aforesaid; and shall within thirty days thereafter, file a report of the same in the clerk's offices of the said counties of Grant and Elkhart.

SEC. 3. The commissioner aforesaid shall be entitled to receive for all services rendered by authority of this act, the sum of one dollar per day, to be paid equally by the said counties of Grant and Elkhart.

Grant ✓
Wal ✓
Kro ✓
Elkhart ✓

CHAPTER XVII.

An Act to refund the revenue of Grant county.

[APPROVED, JANUARY 24, 1832.]

WHEREAS, the counties of Cass, Allen and Delaware, did by their proper officers, assess and collect the taxes of Grant county, and the territory attached thereto, for the year 1831: Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the commissioners of the counties of Cass, Allen and Delaware, be, and they are hereby directed to pay to the order of the commissioners of Grant county, all monies collected for taxes in the said county of Grant, and the territory attached thereto for the year 1831.

CHAPTER XVIII.

An Act to authorize the Board of Commissioners of Floyd county, to contract for the keeping and taking care of the paupers of said county, and for other purposes.

[APPROVED, JANUARY 24, 1832.]

Appointment of superintendent, and his duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board of commissioners, doing county business in the county of Floyd, whenever they may deem it advisable and proper to do so, to employ some humane and responsible person or persons, resident in said county, upon such terms, and under such restrictions as they shall consider most advantageous for the interest of the county, whose duty it shall be to receive into his or their custody and care, all persons who may have become a permanent county charge, as paupers; and it shall be the duty of the person or persons thus employed, immediately thereupon, to take such measures for the employment and support of such paupers as the board of commissioners shall, from time to time establish, order and direct, consistently with the law of the land; and as soon as the person or persons thus employed, are prepared for the reception of the poor-aforesaid, the overseers of the poor, shall, from time to time, when persons may become chargeable as paupers, in the respective townships in said county, have such persons removed and delivered into his or their care and custody, who shall receive the same; and who shall do and perform all the duties which may be deemed requisite and proper to be done and performed by said board.

Overseers of poor shall cause paupers to be removed to poor house.

SEC. 2. That whenever the said board of commissioners of said county, shall have provided for the keeping and taking care of the poor aforesaid, as required in the first section of this bill, should it be thought expedient and proper by said commissioners, they shall rent out for such time as they may deem beneficial to the county, the building at present occupied and called the poor house.

SEC. 3. This act shall be in force from and after its publication in the Indiana Journal.

CHAPTER XIX.

An Act to authorize the citizens of the Congressional township, No. 20, North of range 10 West, in the county of Warren, to dispose of the School Section therein.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the board doing county business, in the county of Warren, at their next, or some subsequent session, after the publication of this act, to call a meeting of the qualified voters of the said congressional township, No. 20, north of range 10 west, in the said county of Warren, by posting up notices thereof in writing, in three of the most public places in said township, at least twenty days prior to the time of said meeting, to be held at the school section therein, or as near thereto as may be convenient, for the purpose of electing by ballot three trustees in said township, who shall be freeholders or householders of the same, to determine by vote, whether the same shall be sold or not; which election shall be conducted in the same manner as is directed by law, regulating the election of state and county officers.

SEC. 2. The electors in the said township at the election aforesaid, who favour a sale of such lands, shall write upon their ballot for trustees "sale," and those opposed to such sale shall write upon their ballot "no sale;" and should a majority of the qualified voters in said township be in favour of selling said land, the clerk of said election shall certify the same, within ten days thereafter, to the school commissioner of said county of Warren: *Provided,* That in case the citizens of said township shall fail to decide in favour of a sale at said election, it shall be lawful for the trustees of said township, upon the application by petition of a majority of all the legal voters of said township, to direct the school commissioner to sell the said school section in like manner as is provided in the act, entitled "An act,

County board shall call meeting of voters.

Notice.

Vote to sell, how taken & certified.

Trustees may order sale, on petition, &c.

incorporating congressional townships, and providing for public schools therein," approved, February 10th, 1831.

Constituted a
corporation.

Proviso.

SEC. 3. The said congressional township shall be constituted a body politic and corporate, under the provisions of the above recited act, and shall be entitled to all the benefits, privileges and immunities of the same: *Provided, however,* That so much of the third section of said act, as requires that "there shall be in such township twenty voters, otherwise such land shall not be sold," shall in no wise extend to, or restrict the privileges hereby granted to the citizens of the said congressional township, No. 20, north of range 10 west, in the said county of Warren.

CHAPTER XX.

An Act declaring Hogan creek, in Dearborn county, a public highway.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the north and south forks of Hogan creek in Dearborn county, be, and they are hereby declared public highways, from the present crossing of the Madison and Lawrenceburgh county road, to the river Ohio.

Provisions of
the act of
10th February,
1831, extended to this
act.

SEC. 2. Be it further enacted, that the provisions of the third section of an act, entitled "An act, declaring certain streams therein named public highways, and for other purposes," approved, February 10th, 1831, be, and the same are hereby extended to, and made a part of this act.

CHAPTER XXI.

An Act respecting the Knox county Poor House.

[APPROVED, JANUARY 24, 1832.]

WHEREAS, the board of justices of Knox county, pursuant to an act, entitled "An act, relative to the Knox county poor house," approved, January 5th, 1828, have sold the said poor house, with the ground thereto belonging at public sale, to Alexander Massey of said county; *And, whereas,* There is no provision in the aforesaid act, for the executing a conveyance of the said premises to the purchase: Therefore,

Commissioner
appointed to
convey.

Be it enacted by the General Assembly of the State of Indiana, That Daniel J. Johnson be, and he is hereby ap-

pointed a commissioner to execute a conveyance in fee, for the said poor house and land, to the said Alexander Massey, his heirs and assigns, upon the order of the said board of county commissioners, that the terms of sale have been complied with, by the said purchaser.

This act to be in force from and after its publication.

CHAPTER XXII.

An Act to legalize the election of county Commissioners, in the several counties in this State, held on the first Monday in August, 1831.

[APPROVED, JANUARY 24, 1832.]

WHEREAS, doubts have arisen concerning the validity of the elections for county commissioners, had under the act "regulating the mode of doing county business in the several counties in this state," in consequence of the laws not having being distributed in various counties throughout the state, previous to the election for said commissioners; and inasmuch as inconvenience may arise from such doubts: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all elections made under the aforesaid law, approved, January 19th, 1831, be, and the same are hereby legalized, and declared of full and sufficient effect.

Election legalized.

SEC. 2. That all acts done by the commissioners so as aforesaid elected, in that capacity, are hereby declared as legal, as though the said laws of 1831, had been duly published at the time of such elections.

Acts legalized.

This act to be in force, from and after its passage.

CHAPTER XXIII.

An Act to amend the 24th Section of an act, entitled "An act, to appropriate a part of the three per cent fund, and for other purposes," approved, February 10th, 1831.

[APPROVED, JANUARY 24, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That one hundred dollars appropriated in said act by the twenty-fourth section thereof, is hereby changed and appropriated on the Fort Wayne state road, instead of the Winchester state road, to be applied between Noblesville and the county line between Hamilton and Marion coun-

Commission-
er. ties, and that William Davis be appointed a commissioner
on said road to apply the same; and so much of said twenty-fourth section as appropriates said hundred dollars on the Winchester state road, is hereby repealed.

Repeal.

CHAPTER XXIV.

An Act to provide for the re-location of a part of the Fort Wayne and Winchester state roads.

[APPROVED, JANUARY 24, 1832.]

Commission-
er and his du-
ty. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Allison of Marion county, be, and he is hereby appointed a commissioner, to re-locate a part of the Fort Wayne and Winchester state roads, where they are united; commencing at the seventy-nine mile post on said road, thence in a north eastwardly direction, so as to intersect the said roads, at a point not exceeding three miles from said seventy-nine mile post.

Oath of com-
missioner. SEC. 2. It shall be the duty of said commissioner, on the first Monday in March next, or some other day subsequent thereto, after taking an oath faithfully and impartially to discharge his duties, to proceed to make the re-location herein above provided, for which purpose as far as necessary, the commissioner is authorized to employ a surveyor, chainmen and markers.

Compensa-
tion to com-
missioner, &c. SEC. 3. It is hereby made the duty of the board of commissioners of the counties of Marion and Hamilton, to make said commissioner a reasonable allowance for the services of himself, and such assistants as he may employ as above, to be paid in equal proportion, according to the length of the re-location in each county, out of the respective county treasuries.

Report where
filed, &c. SEC. 4. It is also made the duty of the said commissioner, within thirty days after making said location, to file a report in writing of his proceedings in the clerk's offices of the counties of Marion and Hamilton, which shall be recorded in ten days thereafter, in the commissioner's record, by such clerks; and the respective boards of commissioners in each county, shall at their first session thereafter, assign to the proper supervisors of the districts, through which such re-location may pass, a sufficient number of hands to open the same, who shall open the same; upon which the said re-located portion shall form an integral part of the said united Fort Wayne and Winchester state roads; and so much of said old road, as lies between the points of re-location, shall thereupon be vacated.

Road how
opened.

This act to take effect, and be in force from and after its publication in the Indiana Journal.

CHAPTER XXV.

An Act to change a part of the State Road from Indianapolis, via. Danville, and Rockville to Montezuma.

[APPROVED, JANUARY 24, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That George Piercy, commissioner on the state road from Indianapolis, via. Danville and Rockville to Montezuma, is hereby authorized to change so much of said road, as lies between the top of the bluff, on the west side of Eel river, and Samuel Rogers', jr. if in his opinion, the public good require it, and shall be governed in all respects by the provisions of "An act, to provide for the location of certain state roads therein named," approved, February 10th, 1831; and shall receive such compensation for himself and hands, out of the three per cent. fund, appropriated to Putnam county, as the board doing county business in said county, may deem just and reasonable.

Commissioner
and his du-
ties. Compensation.

CHAPTER XXVI.

An Act to provide for re-locating a part of the Mauk's Ferry State Road, also, to provide for the sale of the materials of the Muscatuck Bridge, and for other purposes.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the Mauk's Ferry state road, as lies between a point on the Bethlehem state road, fifty-six rods south of the north fork of Denio's creek, to a point near the farm of Theophilus Evans, in Bartholomew county, be, and the same is hereby vacated; and the said Mauk's Ferry state road, between the points aforesaid, is hereby changed, and located along and upon the Bethlehem state road, from the point on the same, fifty-six rods south of Denio's creek, to the house of Isaac S. Boardman, opposite the town of Columbus, and from thence upon the county road, to the point where the same intersects the Mauk's Ferry state road, near the farm of the said Evans.

Part vacated. How changed.

SEC. 2. *And be it further enacted*, That so much of the seventh section of the act, entitled "An act, making provision for expending the Mauk's Ferry road fund, and for

Repeal.

other purposes," approved, January 28th, 1830, as provides for laying out and opening a road on the west side of the present road, on the great Muscatatuck hill, be, and the same is hereby repealed; and the money appropriated by said act, to improve that part of said road hereby vacated, shall be applied to improving the road as now located, between the foot of said hill, and the fifty-second mile post on said road.

Commissioner shall sell bridge materials, &c. and proceeds how applied.

SEC. 3. *And be it further enacted,* That George Housh, commissioner on the Mauk's Ferry state road, in Washington county, is hereby authorized to sell to the highest bidder, and at public out-cry, after giving twenty days public notice in writing, (in at least three public places in the vicinity, in the counties of Washington and Jackson,) all the remaining materials of the Bridge built across Muscatatuck river, on the Mauk's Ferry state road; and it shall be the duty of said commissioner, to apply the proceeds thereof, to the further improvement of the ford and river hill on said road. The commissioner, to perform the duties hereby enjoined in the same manner, and under the same regulations, as provided in the act appointing said commissioner: *Provided,* it shall be a condition of the sale hereby provided for, that the purchaser shall, within sixty days, remove all such parts of said bridge, as obstruct the free navigation of said river.

Proviso.

All acts and parts of acts coming within the provisions of this act, be, and the same are hereby repealed.

CHAPTER XXVII.

An Act providing for a re-location of a part of the Fort Wayne State Road.

[APPROVED, JANUARY 24, 1832.]

Commissioner and his duty.

Be it enacted by the General Assembly of the State of Indiana, That James Hughey of Hamilton county, be, and he is hereby appointed a commissioner, and authorized to re-locate a part of the state road, from Indianapolis, to Fort Wayne, commencing where said road crosses the division line, dividing the east half and west half of the north west quarter of section ten, township nineteen, north of range five east, in the district of lands sold at Indianapolis; thence north with said line, about two hundred poles; thence the nearest and best way, so as to intersect the aforesaid state road, on the south west of the town lots of Woodville, alias, Strawtown, in the county aforesaid, and so to intersect the

present location of the said Fort Wayne road, as to be laid on equally as good or better ground; and upon such re-location being made, and a plat thereof filed in the clerk's office of the county of Hamilton, and the same being as well opened, as the corresponding route of the former location, the said intermediate and other route shall be vacated, and such shall thereafter be, and remain an integral part of the said Fort Wayne state road.

Plat where filed.

CHAPTER XXVIII.

An Act to amend an act, entitled "An act, to establish certain State Roads therein named, and for other purposes, approved, February 10th, 1831.

[APPROVED, JANUARY 24, 1832.]

WHEREAS, by an act passed at the last session of the General Assembly, approved, February 10th, 1831, John L. Smith was appointed a commissioner to review and mark out that part of the state road, leading from New Albany, by way of Corydon and Freedonia, to Princeton, as lies between Corydon and Haley Goad's farm, about ten miles west of Freedonia. *And whereas,* much dissatisfaction prevails among the citizens in consequence of an expressed determination of the said commissioner to change the said road, so as not to pass through the town of Freedonia; for remedy whereof.

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said J. L. Smith, commissioner as aforesaid, shall not be permitted to make any change or alteration in said road, so as to prevent said road from passing through the town of Freedonia, but in that respect shall be governed by the original law upon that subject, wherein Freedonia is made a point in said road.

Freedonia shall be a point.

SEC. 2. That any alteration which may have been made or which may hereafter be made by the said commissioner, under the law of the last session, so as to change the said road from Freedonia, be, and the same is hereby declared null and void.

Alteration shall be void.

SEC. 3. That so much of the act of the last session of the General Assembly, as comes within the purview of this act, be, and the same is hereby repealed.

Repeal.

This law to take effect, and be in force from and after its passage.

CHAPTER XXIX.

An Act to provide for the location of a certain State Road therein named.

[APPROVED, JANUARY 24, 1832.]

Commissioner
and his du-
ties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hugh Hammer of the county of Lawrence, be, and he is hereby appointed commissioner, to view, mark, survey and locate a state road from Bedford, in the county of Lawrence aforesaid, the nearest and best route, to Beck's mill in Washington county, by the way of Hammers mill, thence the nearest and best route to Louisville, so as to intersect the Vincennes and New Albany state road.

Oath of com-
missioner.

SEC. 2. It shall be the duty of said commissioner, on the first Monday of May next, or some subsequent day, first taking an oath or affirmation faithfully and impartially to discharge the duties herein enjoined, commencing at Bedford, proceed to view, mark, survey and locate said road, agreeably to the first section of this act, and said commissioner is hereby fully authorized and empowered to employ a surveyor, two chainmen, and a sufficient number of markers necessary to locate said road as herein provided.

Surveyor, &c.

Report where
filed, &c.

SEC. 3. *Be it further enacted*, That it shall be the duty of said commissioner, within thirty days after making said location, to cause to be filed with the clerks of the several counties, through which said road may be located, a report of his proceedings, whose duty it shall be within ten days after the filing thereof, to record the same in the record book of the county commissioners of the several counties through which said road may be located.

Compensa-
tion to com-
missioner,
&c.

SEC. 4. The commissioner aforesaid shall be allowed as a compensation for his services, one dollar per day for every day, which he may be necessarily employed in making said location, to be allowed by the board of county commissioners, and paid out of the county treasury of the several counties, through which said road may be located, in proportion to the length of the same; and the surveyor, chainmen and markers herein mentioned, shall receive a reasonable compensation for their services, to be allowed and paid in like manner, as in this section provided, for the paying of said commissioner.

Vacancy how
filled.

SEC. 5. *Be it further enacted*, That if any vacancy should occur, by the death, resignation, removal, or refusal to act on the part of said commissioner, it shall be the duty of the board of county commissioners, of the county of Lawrence

CHAPTER XXX.

aforesaid, at their next meeting thereafter, to appoint some suitable person to fill such vacancy.

An Act amendatory of an act, to provide for the location of a certain State Road therein named, approved, February 10th, 1831.

[APPROVED, JANUARY 26, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the sixth section of said act, as appointed Lysmund Basye of Tippecanoe county, a commissioner to locate a road therein named, be, and the same is hereby repealed; and all the duties assigned by said act to said Basye, be, and the same are hereby transferred to Joseph Allen, of said county, who is hereby appointed a commissioner in place of said Basye; nothing in this act shall be so construed as to prevent the commissioner heretofore appointed, from receiving the same compensation for any services which he may have rendered, or any hands under him, that was contemplated in the act, providing for the location of said road.

Repeal.

Duties trans-
ferred.

This act to be in force, from and after its publication in the Lafayette Free Press, a paper published in the town of Lafayette.

CHAPTER XXXI.

An Act to alter and re locate part of the Vernon and Fort Wayne State Road, and part of the Shelbyville State Road, in Rush county.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John McMillen of Jackson township, in the county of Rush, shall be, and he is hereby made a commissioner, to mark, alter, and re-locate that part of the Vernon and Fort Wayne state road in Rush county, leading from the farm of John Lower, to the Brookville state road, and also that part of the Shelbyville state road, in Rush county, leading from the corner of William Pearcy's farm, to the line of Samuel Jackson's farm, at the end of said Jackson's lane.

Commissioner
and his du-
ties.

SEC. 2. It shall be the duty of said commissioner, as soon as convenient, after the first day of April next, to take an oath before some person duly qualified to administer his duties.

Oath of com-
missioner and
his duties.

the same, diligently to perform the duties required of him by this act, to the best of his ability, and thereafter proceed to mark and re-locate the road from John Lower's farm, on the most advantageous route, to the Brookville state road, west of the house now occupied by George Wight, and leaving as small a portion of the land of William B. Laughlin on the easterly side thereof, as will be consistent with the public accommodation, and also that part of the above mentioned Shelbyville road, between the points above mentioned, so as to run more south on the land of John Lower, than the old road, and wherever the ground will admit of a change beneficial to the public, and the said John Lower.

Surveyor, &c. SEC. 3. The said commissioner shall employ such surveyor and other assistants, as he may deem necessary for the duties aforesaid, and on filing a description of the changes so made, in writing, under his hand and seal, with the clerk of Rush county, the same shall be taken and deemed parts of the roads aforesaid, and the parts of the old roads between the points aforesaid, shall be null and void.

Road how opened. SEC. 4. It shall be the duty of the board doing county business, in Rush county, to cause the roads so altered, to be opened and improved according to law, and to pay the said commissioner and person or persons by him necessarily employed, such reasonable compensation as shall be deemed just, to be audited and allowed among the contingent charges of said county.

Compensation to commissioner &c. SEC. 5. In case of the death or inability of the commissioner aforesaid, to perform the duties assigned him, the board aforesaid of Rush county, shall at their meeting in July next, appoint some other person to fulfil all and singular, the requisitions of this act.

Vacancies how filled.

CHAPTER XXXII.

An Act to establish a State Road from Knightstown, in Henry county, by way of Pendleton, in Madison county, to Strawtown, in Hamilton county.

[APPROVED, JANUARY 26, 1832.]

Commissioners and their duties. SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Brice Dille of Henry county, Adam Winsel of Madison county, and Elias Hoddy of Hamilton county, be, and they are hereby appointed commissioners to view, mark, and lay out a state road, commencing at the Cumberland road, in Knightstown, in Henry county, from

thence, north on Franklin street, and through Stewart's land, from thence the nearest and best way to James Fort's, from thence the nearest and best way to Pendleton, in Madison county, from thence on the state road, leading from Newcastle to Crawfordsville, to a point where said Newcastle and Crawfordsville road, takes a westerly direction, from thence the nearest and best route to Strawtown, in Hamilton county.

SEC. 2. The said commissioners shall meet at Knightstown, in the county of Henry, on the first Monday in June next, or so soon thereafter as they may think proper, and after taking an oath faithfully to discharge the duties assigned them by this act, shall proceed to view and mark said road, and shall within thirty days therefrom, cause a report thereof to be filed in each of the clerk's offices of the several counties, through which the same may pass; which report shall be recorded in the record book of the boards doing county business in said counties, within ten days therefrom.

SEC. 3. It is hereby made the duty of the commissioner first named in this act, to employ a competent surveyor, and two chainmen to lay out said road as provided by this act.

SEC. 4. Should a vacancy happen by the death, resignation, or otherwise of any of said commissioners, the board doing county business in such county, where such vacancy may happen, shall have power to fill the same.

SEC. 5. The commissioners aforesaid, shall each receive one dollar and fifty cents per day, and the surveyor two dollars per day, and the chainmen each one dollar per day, for each day that they may severally be employed in laying out said road, to be paid out of the county treasuries of the several counties through which the same may pass, in proportion to the length of road in each.

SEC. 6. The board of county commissioners in the aforesaid counties of Henry, Madison and Hamilton, shall make the aforesaid allowances, and cause said road to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of the law for opening and repairing public roads and highways.

This act to take effect, and be in force from and after its publication.

When and where to meet.

Oath.

Report.

Surveyor, &c.

Vacancies how filled.

Compensation.

County board shall allow compensation &c.

CHAPTER XXXIII.

An Act for the location of a State Road, from Woods Ferry, on the East branch of White river, in Lawrence county, to Bloomfield in Green county.

[APPROVED, JANUARY 24, 1832.]

Commissioner and his duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hansford Short, of the county of Lawrence, and Elias Craunce, of the county of Green, be, and they are hereby appointed commissioners, to view, mark, survey and locate a state road, from Woods Ferry, on the east branch of White river, to Bloomfield, in the county of Green, so as to intersect the Bono and Terre Haute state road, at or near where said last mentioned state road, as last located, crosses Richland creek, in the county of Green aforesaid.

When and where to meet

SEC. 2. It shall be the duty of the commissioners aforesaid, on the first Monday of April next, or on some subsequent day to be agreed upon by said commissioners, to meet at the house of John Lackey, in the town of Liberty, in the county of Lawrence aforesaid, and after having taken an oath or affirmation, faithfully and impartially, to discharge their duties as such commissioners aforesaid, proceed to view, mark, survey and locate said road, agreeably to the provisions of the first section of this act.

Oath.

Surveyor, &c.

SEC. 3. *Be it further enacted*, That the commissioners aforesaid, be, and they are hereby fully authorized and empowered, to employ a surveyor, two chainmen, and a sufficient number of markers, necessary to make the location of the road aforesaid, agreeably to the provisions of this act.

Compensation.

SEC. 4. The commissioners aforesaid shall each be allowed the sum of one dollar per day, for every day which they may be necessarily employed in making said location, which shall be allowed by the board of county commissioners of the counties of Lawrence and Green aforesaid, in proportion to the length of said road, through said counties, and to be paid out of the county treasury of the counties aforesaid, out of any monies not otherwise appropriated; and the surveyor, chainmen and markers aforesaid, shall each receive a reasonable compensation for their services, to be allowed by the board of county commissioners of the counties aforesaid, and paid out of the county treasury of said counties, as herein provided for the paying of said commissioners.

Vacancies how filled.

SEC. 5. *Be it further enacted*, That should any vacancy occur, by death, resignation, removal, or refusal, to serve

on the part of said commissioners, or either of them, it shall be the duty of the board of county commissioners, in which such vacancy may happen at their next meeting thereafter, to appoint some suitable person to fill such vacancy, who shall in all respects whatever, be governed by the provisions of this act.

This act to take effect, and be in force from and after its passage.

CHAPTER XXXIV.

An Act to locate a State Road, from Spencer, in Owen county, by way of Bowling Green, in Clay county, to Terre Haute, in Vigo county.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Shields of Owen county, Thomas Basey of Clay county, and Henry Allen, of Vigo county, be, and they are hereby appointed commissioners to view, mark, and locate a state road, commencing at the town of Spencer, in Owen county, and running to Bowling Green, in Clay county, and from thence to Terre Haute, in Vigo county, on the nearest and best ground that a road can be had, which shall be opened forty feet, except that so much of said road as runs through Vigo county, shall be opened, sixty feet wide.

Commissioners and their duties.

SEC. 2. It shall be the duty of said commissioners to meet at the town of Spencer, on the first Monday of June next, or on a day to be fixed thereafter by themselves; and after taking an oath faithfully and impartially to discharge the duties enjoined by this act, to proceed to view, mark and locate said road; and they shall make a report of the route of said road, and the distance from point to point; a copy of which shall be filed by them in the clerk's offices of the several counties, through which the same may pass; and it is hereby made the duty of such clerks, to record the same in the record books of the boards doing county business in the several counties.

When and where to meet.

Oath.

Report.

SEC. 3. The commissioners aforesaid, may, or may not employ a surveyor and chain carriers, as they conceive most expedient, who, together with themselves, shall receive such compensation for their services, from the counties through which said road passes, in proportion to the distance in each, as to the boards doing county business, in them respectively, shall seem just and reasonable. It shall also be the duty of said commissioners, to keep a correct

Surveyor, &c.

Compensation.

account of the number of hands employed, and the time occupied in discharging the duties enjoined by this act, a copy of which they shall file in the clerk's offices of the counties aforesaid, and which shall be by said clerks laid before the boards doing county business, at their next session.

Vacancies
how filled.

SEC. 4. Should any of the said commissioners die, resign, or refuse to qualify, the board doing county business, where such vacancy shall happen, shall appoint some person to fill his or their place who shall be qualified as above provided.

This act to take effect, and be in force from and after its passage.

CHAPTER XXXV.

An Act to appoint Commissioners on a State Road, situate in Pike and Gibson counties.

[APPROVED, JANUARY 26, 1832.]

Commission-
ers and their
duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Archibald Campbell and Philip Cat, of Pike county, and John Hineman of Gibson county, be, and they are hereby appointed commissioners, to superintend the opening and keeping in repair, the state road leading from the bridge on Patoka, near Mrs. Soverne's, in Gibson county, to intersect the state road, leading from the mouth of White river, by Petersburg, at, or near the Plank bridge, on Conger's creek, in Pike county; who, after having taken an oath agreeably to law, faithfully and impartially to discharge the duties of their respective appointments; they, or a majority of them, shall proceed to lay out the balance of the three per cent fund, which is now in the hands of the said Archibald Campbell, agreeably to the provisions of "An act establishing a state road therein named, and for other purposes," approved December 28th, 1829. And the said commissioners, shall each receive for their services, one dollar per day, for each and every day they shall have been necessarily employed on said road, which shall be by them retained out of the said three per cent fund.

Oath, &c.

Compensa-
tion.

Vacancies
how filled.

SEC. 2. Should any of the commissioners die, resign, or refuse to act, the board of commissioners of the county in which such commissioner resides, or shall have resided, shall appoint some suitable person to fill the vacancy: And the second section of the act, entitled "An act establishing

certain state roads therein named, and for other purposes," approved, February 10th, 1831, shall be, and the same is hereby repealed.

This act to take effect, and be in force from and after its passage.

CHAPTER XXXVI.

An Act to locate a State Road, from Jefferson in Clinton county, to Attica, and from thence to Farmer's Ford, and from thence to intersect the Williamsport State Road, in the direction of Chicago.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Bodley, of the county of Fountain, be, and he is hereby appointed commissioner to view, and locate a state road, commencing at Jefferson, in Clinton county, and from thence to Attica, in Fountain county, and from thence to Farmers Ford, on the Wabash river, thence to intersect the Williamsport state road, or the Lafayette state road, both in the direction to Chicago.

Commission-
er and his du-
ties.

SEC. 2. The commissioner aforesaid, shall proceed on the third Monday in May next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties required of him by this act, to view, mark, and locate said road, and shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers for that purpose, and shall within twenty days after the location thereof, cause the same to be reported and filed in each of the clerk's offices of the counties of Clinton, Tippecanoe, Fountain and Warren; and it shall be the duty of the counties aforesaid, to cause the same to be recorded in the record book of the board doing county business within ten days thereafter.

Time, oath,
&c.

Report.

SEC. 3. Should a vacancy happen by death, resignation or otherwise, it shall be the duty of the board doing county business, in and for the county of Fountain, to appoint some suitable person to fill such vacancy, who shall take the same oath that is required of the commissioner here appointed.

Vacancy how
filled.

SEC. 4. It shall be the duty of the several boards doing county business, to allow the commissioner, chain carriers, and markers, such compensation as to them may seem reasonable, to be paid in proportion to the distance of said road in each county, out of any monies not otherwise appropriated.

Compensa-
tion.

This act to take effect, from and after its publication.

CHAPTER XXXVII.

An Act to amend the act, entitled "An act, to provide for the location of certain State Roads therein named," approved, February 10th, 1831.

[APPROVED, JANUARY 26, 1832.]

*Parke
Fountain
Ziph*

Commissioner and his duties. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That David Sewel, of Fountain county, be, and he is hereby appointed a commissioner to locate a state road, commencing at the Army Ford, on Big Raccoon creek, in the county of Parke, thence to Montezuma, in said county, thence to Covington, in Fountain county, thence by way of Portland, Rob Roy and Attica, in said county, to Lafayette, in Tippecanoe county.

Time, &c. SEC. 2. The commissioner aforesaid, shall, on the first Monday in April next, or on some subsequent day, proceed to the location of said road, in the manner prescribed in the said act, to which this is an amendment, and be governed in all other respects, by the said act.

Repeal. SEC. 3. That so much of the said act as comes within the purview of this act, be, and the same is hereby repealed. This act to take effect, and be in force from and after its passage.

CHAPTER XXXVIII.

An Act for the re-location of a part of the Williamsport State Road.

[APPROVED, JANUARY 26, 1832.]

Commissioner and his duties. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William White, of the county of Montgomery, be, and he is hereby appointed a commissioner to re-locate so much of the state road from Crawfordsville, in the county of Montgomery, through Williamsport, in Warren county, thence to the state line, in a direction to Chicago, as lies between the following points, to-wit: beginning at or near the north east corner of section sixteen, in town nineteen north, of range five west, in the county of Montgomery, thence on the nearest and best ground to the town of Newtown, in Fountain county.

Time, oath, &c. SEC. 2. The commissioner aforesaid, shall on the first Monday in April next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, proceed to view, mark, and relocate the said road, and shall within thirty days after the location of the same, cause a report thereof to be filed in each of the clerk's offices in the counties, through

Report.

which said re-location extends; which report shall by said clerks within ten days thereafter, be recorded in the record book of the proceedings of the boards doing county business, and that part of said road so re-located under the provisions of this act, shall be considered as a part of said state road, and that part of the state road lying between the points of intersection, shall be vacated: *Provided,* That the petitioners shall open the new route equally convenient for travelling. **Proviso.**

SEC. 3. Should the commissioner herein appointed, die, resign, or refuse to qualify, the board doing county business for the county of Montgomery, shall appoint some person to supply his place. **Vacancy how filled.**

SEC. 4. The commissioner aforesaid, or the one that may hereafter be appointed, shall be entitled to receive one dollar for each day necessarily employed in the discharge of the duties assigned him by this act, and the commissioner may if he shall deem it necessary, employ a surveyor, chain carriers and markers in the re-location of said road, who shall be allowed a reasonable compensation for their services, which, together with the compensation of the commissioner, shall be paid by the petitioners. **Compensation. Surveyor, &c.**

This act to be in force from and after its passage.

CHAPTER XXXIX.

An Act to locate a State Road from the town of Louisville, in the county of Henry, to New Castle, the county seat of said county.

[APPROVED, JANUARY 26, 1832.]

Commissioner and his duties. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Tredaway of Fayette county, be, and he is hereby appointed the commissioner, to view, mark, and locate a state road, from the town of Louisville, in Henry county, to New Castle, the county seat of said county.

Time, oath, &c. SEC. 2. The commissioners as aforesaid, shall proceed on the first Monday in April next, or on some subsequent day, prior to the first day of August ensuing, after taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark, and locate said road, between the aforesaid points, and shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers for that purpose; and shall within ten days thereafter, cause a report of the same to be filed in the clerk's office of the county, and it shall be the duty of the clerk, to record the same on the record book of the board of county commissioners of said county. **Report.**

Road how
opened.

SEC. 3. It shall be the duty of the commissioners of the county aforesaid, at their first meeting thereafter, to cause said road to be opened, and kept in repair in the same manner, that other roads and highways are, by the acts now in force.

Donations,
how received
and expended

SEC. 4. The commissioner shall be authorized and required to receive any donation offered, for the improvement of said road, taking from the individual, offering the same, an obligation for the payment thereof, which he shall file with the clerk aforesaid, to be by him delivered to the supervisor, where the same may be directed by the commissioners of said county; and it shall be the duty of the supervisor, when he may receive any such donation, to expend the same in the same manner that he is directed by the law now in force, to lay out money that may be by him collected; and if any person as aforesaid, should refuse to comply with any obligation, given said commissioner, the supervisor shall be authorized to collect the same, in the same manner that he could for other delinquents.

Vacancy how
filled.

SEC. 5. Should the commissioner aforesaid refuse to serve, or a vacancy happen, by death, resignation or otherwise, the commissioners of the county of Henry shall appoint a commissioner to fill the vacancy.

Compensation.

SEC. 6. The commissioner and surveyor aforesaid, shall be allowed each, one dollar and fifty cents per day for their services, and the chain carriers and markers, each one dollar per day, for their services, to be paid out of the treasury of the county of Henry.

This act to take effect and be in force from and after its passage.

CHAPTER XL.

An Act to locate and open part of a State Road, leading from the town of Madison, through Vevay, to Lawrenceburgh.

[APPROVED, JANUARY 26, 1832.]

Commissioner
and his duties

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry James of Dearborn county, be, and he is hereby appointed a commissioner, to locate that part of the state road, leading from the town of Madison, through Vevay, to Lawrenceburgh, which lies between the Switzerland county line, and the town of Rising Sun, the record of said road being destroyed by fire, in consequence of the Court House in Lawrenceburgh being burned.

Time and
place.

SEC. 2. The said commissioner shall, on the first Monday in April next, or on some subsequent day, after taking

an oath faithfully and impartially to discharge the duties enjoined on him by this act, shall proceed to locate the above road, as heretofore directed, and shall likewise cause a report of the same to be filed in the clerk's office; which report shall by said clerk be recorded, in the record book of the board doing county business in the county of Dearborn.

Report.

SEC. 3. Should a vacancy happen, by death, resignation or refusal to serve, it shall be the duty of the board doing county business to fill the same; and said commissioner shall be allowed one dollar per day, while necessarily employed in such location, to be paid out of the county treasury.

Vacancy how
filled.

Compensation.

SEC. 4. The township trustees of Randolph township, are hereby directed to open and keep in repair the aforesaid road, as other public roads and highways are opened and kept in repair.

SEC. 5. That the state road, leading from Madison to Lawrenceburgh, be, and the same is hereby changed, from a point where it strikes the line, between sections 34 and 35, town 5, range 2, immediately west of James Quidsay's, in Dearborn county, and run thence east, with the line between townships 4 and 5, to a point where it will intersect the old county road, from Lawrenceburgh to Madison.

Part of road
changed.

SEC. 6. *And be it further enacted,* That the road from Madison, passing through Mount Sterling, Jacksonville, Hartford, Wilmington to Lawrenceburgh, be, and the same is hereby declared a state road, to be opened and kept in repair, in all respects as other public roads are opened and kept in repair.

Road declared a state
road.

This act to take effect from and after its passage.

CHAPTER XLI.

An Act to establish a State Road from Connersville, in Fayette county, to Raysville, on the National Road, in Henry county.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Philpott, of the county of Fayette, be, and he is hereby appointed a commissioner, to locate and mark a state road, from Connersville, in the county of Fayette, by way of Philpott's mill, Smelser's mills, the finger board near John Smelser's house, and William Shield's, thence to intersect the road, leading from Rushville to New Castle, thence with said road, to the

Commissioner
and his duties

Fayette
Rush
Henry

north end of Moses Clifford's lane, thence the nearest and best way to Raysville, on the national road, in Henry county.

Time and place.

Oath.

Report.

Surveyor, &c.

Compensation.

Vacancy how filled.

Part of a road vacated.

SEC. 2. That the commissioner aforesaid shall attend at the town of Connersville aforesaid, on the first Monday of July next, or on some subsequent day that he may determine on, and after taking an oath faithfully to discharge the duties assigned him by this act, shall proceed to view and mark said state road, between the points aforesaid, the nearest and best way, doing as little injury to farms as possible, and the said commissioner shall within thirty days after the location thereof, cause a report, together with a plat of said road, to be filed in each of the clerk's offices, in the county of Fayette, Rush and Henry, which reports shall be recorded by the clerks of said counties, in the record book of the board doing county business, within ten days after the same may have been filed as aforesaid.

SEC. 3. The commissioner aforesaid is hereby authorized to employ a surveyor, chain bearers and marker, to assist him in the location of said road, and the boards doing county business, in the counties of Fayette, Rush and Henry, shall make such allowance to the commissioner, surveyor, chain bearers and marker, as to them may seem just and reasonable, in proportion to the length of road in each, to be paid out of the county treasuries of their respective counties, and shall cause said road to be opened, any width not exceeding forty feet, and kept in repair in the same manner that county roads are directed by law to be opened, and kept in repair.

SEC. 4. Should the commissioner herein named, refuse to qualify, it shall be the duty of the board doing county business, in and for the county of Fayette, to appoint some suitable person to fill such vacancy, who shall be governed in all respects by the provisions of this act.

SEC. 5. And be it further enacted, That so much of a state road, leading from Connersville, in Fayette county, by way of Goodlander's mill, to Centreville, in Wayne county, as lies between the town of Connersville and Goodlander's mill, in Fayette county, be, and the same is hereby vacated.

CHAPTER XLII.

An Act to locate a State Road from Clinton, in Vermillion county, by Patton's Mills, to the National Road, in Vigo county.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Michael Patton of Vermillion county, Peter Mallery and Joseph Buchannon of Vigo county, be, and they are hereby appointed commissioners, to view, mark, and locate a state road, from the town of Clinton, in Vermillion county, by Patton's mills, on Bruilett's creek, to the most suitable point on the National road, where the same crosses the Little Prairie, west of Terre Haute, in Vigo county.

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Clinton, on the first Monday of May next, or as soon thereafter as they may think proper, and after severally taking an oath, faithfully to discharge the duties assigned them by law, shall proceed to view, mark, and locate said road, on the nearest and best ground that can be had between said points, and shall within thirty days therefrom, cause a report thereof, showing the length of said road, in each county, to be filed in the clerk's offices of the proper counties, in which the same may pass; the same to be recorded in the record book of the boards doing county business in the said counties, within ten days therefrom.

SEC. 3. The commissioners aforesaid, may, or may not employ a surveyor and chain carriers, as they shall deem most expedient; they shall keep a correct account of the number of hands employed, and time occupied, in discharging the duties enjoined by this act; a copy of which it shall be their duty to file in the clerk's offices of said counties, and be by such clerks laid before the boards doing county business, at their next term.

SEC. 4. The boards doing county business in said counties, in which the road extends, shall, when the account of said commissioners is laid before them, make such order for the payment of the same as they shall deem just and reasonable, reference being had to the proportion of distance said road shall run in each county; the same to be paid out of the treasuries of the respective counties.

SEC. 5. It shall be the duty of the boards doing county business in said counties, to cause the said road to be opened any width not exceeding fifty feet, and made agreeably to, and under the provisions of "An act for opening and repairing public roads and highways."

Vacancies
how filled.

SEC. 6. Should any vacancy happen, by death, resignation, or otherwise, the board doing county business where the same may happen, shall appoint a commissioner to fill such vacancy, who shall be qualified as above provided.

This act to take effect, and be in force from and after its passage.

CHAPTER XLIII.

An Act to re-locate a part of the State Road, leading from Green Castle to Russellville.

[APPROVED, FEBRUARY 2, 1832.]

Commissioner
and his duties

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Boyles of the county of Putnam, be, and he is hereby appointed a commissioner to examine and re-locate so much of the state road, leading from Green Castle, in Putnam county, to Russellville, in said county: beginning where the said state road intersects the old county road, leading to Green Castle, near the north east corner of John Wilson's field, thence south one mile, thence in a south east direction, until it intersects the said state road, at or near the thirteen mile post, as lies between the points aforesaid.

Report.

SEC. 2. The commissioner aforesaid, shall within ten days after making such examination and re-location, file for record with the clerk of the board doing county business in the county of Putnam, a plat and field notes of such re-location, and shall with the necessary hands, which he is hereby authorized to employ in such re-location, be allowed a reasonable compensation for their services, by the board doing county business for Putnam county, out of the three per cent fund heretofore appropriated to said county.

Part vacated.

SEC. 3. That so much of said state road as lies between the points where said state and county road intersects, twelve rods north of the four mile stake from Green Castle, and two hundred and fifty-five rods north of the six mile stake from the same place, be, and the same is hereby vacated, and that the county road between the points aforesaid, be, and the same is hereby declared a state road.

CHAPTER XLIV.

An Act to provide for the location of a State Road therein named.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Edward Strange, of the county of Hendricks, be, and he is hereby appointed a commissioner, to view, mark, survey, and locate a state road from Martinsville, in the county of Morgan, the nearest and best route to Frankfort, in the county of Clinton, by the way of Cox's mill, in Morgan county, Bellville and Danville, in Hendricks county, and the county seat of Boon county. Commissioner and his duties

SEC. 2. It shall be the duty of the commissioner aforesaid, on the first Monday of May next, or on some subsequent day, to meet in the town of Martinsville, and after taking an oath or affirmation faithfully and impartially, to discharge his duties as such commissioner aforesaid, shall proceed to view, mark, survey, and locate said road agreeably to the provisions of the first section of this act. Time, oath, &c.

SEC. 3. That the commissioner aforesaid be, and he is fully authorized and empowered to employ a surveyor, chainmen and markers, should he deem the employing of the same expedient, to make said location as herein provided; and it is further made the duty of said commissioner within thirty days after the making of said location as aforesaid, to cause to be filed with the clerks of the several counties, through which said road shall be located as herein named, a report of his proceedings, whose duty it shall be within ten days thereafter, to record the same in the record book of the county commissioners of their respective counties. Surveyor, &c. Report.

SEC. 4. The commissioner aforesaid shall receive as a compensation for his services, one dollar per day, for every day which he may be necessarily employed in making said location, to be allowed by the board of county commissioners, of the counties of Morgan, Hendricks, Boon and Clinton aforesaid, in proportion to the distance which said road runs through said counties, and be paid by the county treasurers of the counties aforesaid, out of any monies in said treasuries not otherwise appropriated, and the surveyor, chainmen and markers herein mentioned, shall severally receive and be paid, a reasonable compensation for their services, to be allowed and paid in like manner, as in this section provided for the paying of said commissioner. Compensation.

SEC. 5. Should any vacancy occur by death, resignation, removal, or refusal to serve on the part of said commissioner, it shall be the duty of the board of county commissioners in Hendricks county, at their next meeting there- Vacancy how filled.

after, to appoint some suitable person to fill such vacancy, who shall in all respects be governed as herein provided for said commissioner.

This act to be in force from and after its passage.

CHAPTER XLV.

An Act to amend an act, entitled, "An act to appropriate a part of the three per cent. fund, and for other purposes," approved, February 10th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of sixty dollars, being part of the seventy-five dollars appropriated by the act aforesaid, for the purpose of locating a state road from Mooresville, in Morgan county, to intersect the state road, leading from Spencer, in Owen county, to Danville, in Hendricks county, at or near the farm of Solomon Dannehan, be, and the same is hereby appropriated for locating and opening a state road from Martinsville, in Morgan county to Frankfort, in Clinton county, on that part of said road, which lies within the county of Morgan, and that Daniel Bales be appointed in place of Asa Bales, to apply the same.

\$60,00 appropriated on a road in Morgan county.

Morgan

\$15,00 appropriated.

SEC. 2. That the balance of the said sum of seventy-five dollars, be applied to the locating and opening of such part of the state road, leading from Mooresville to Danville, as lies in Morgan county.

Repeal.

SEC. 3. That so much of the act entitled as aforesaid, as comes within the provisions of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XLVI.

An Act to provide for the location of a State Road therein named.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel B. Miller of Randolph county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, beginning at the Ohio state line, at the end of a certain road, leading from Greenville, in Ohio, towards the Mississinaway river, thence the near-

Commissioner and his duties

Randolph
Barnum
40 ft

est and best way to Robert Parson's mill, thence down said river to Lewallen's mill, thence to intersect the Miamisport road, at or near Sanders', in Delaware county.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday in May next, or on some day thereafter, and after taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark and locate said road, and make all necessary surveys, taking with him such surveyor, chain carriers, and markers, as he may deem expedient for that purpose, and shall within ten days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the counties of Randolph and Delaware, and shall be the duty of the clerks of said counties, to record the same in the record book of the boards doing county business, within ten days thereafter.

Time, oath, &c.

Report.

SEC. 3. It shall be the duty of the boards doing county business, in the counties aforesaid, at their next meeting after filing said report, if they deem it expedient, to cause the said road to be opened any width not exceeding forty feet, in the same way and manner as is now or may hereafter be provided, for opening and repairing public roads and highways.

Road how opened.

SEC. 4. Should a vacancy happen by death, resignation or otherwise, it shall be the duty of the board doing county business, in the county of Randolph, to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties therein required, as is required of the commissioner hereby appointed.

Vacancy how filled.

SEC. 5. It is hereby made the duty of the several boards doing county business in the counties aforesaid, to make the commissioner, chain carriers and markers, such allowance as to them may seem reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any money not otherwise appropriated.

Compensation.

This act to take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act to locate a State Road from Napoleon in Ripley county, to Brookville in Franklin county.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Moses Corey of the county of Rip-

Franklin
Ripley

Commissioners and their duties.

When and where to meet and act, &c

Repeal.

Compensation.

Vacancy how filled.

Iey, and James Hornback of the county of Franklin, be, and they are hereby appointed commissioners to locate, mark and open a state road, from Napoleon in Ripley county, by way of Cory's mill on Laughery creek, to Brookville in Franklin county.

SEC. 2. The said commissioners shall convene at the town of Napoleon in Ripley county, on the third Monday in May next, or as soon thereafter as they may think proper, who, after taking an oath, faithfully and impartially to discharge the duties required of them by this act, shall proceed to view and mark said road, and shall within forty days after the location thereof, cause a report of their proceedings to be filed in the clerk's offices in the counties of Ripley and Franklin, which report shall be recorded by the said clerks respectively, and the boards doing county business in the said counties, shall cause the said road to be opened and kept in repair, in the same manner that other roads are, or ought by law to be opened and repaired.

SEC. 3. The boards doing county business in the counties of Ripley and Franklin, shall make such allowance to the commissioners, as to them shall seem just and reasonable, to be paid out of the treasuries of said counties, and in case said commissioners shall refuse to serve, or their appointments be vacated, before the performance of the duties required of them by this act, the boards doing county business in said counties, shall fill such vacancy.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XLVIII.

An Act to amend an act entitled "An act to locate a State Road from Newcastle in Henry county, to Milton in Wayne county."

[APPROVED, JANUARY 31, 1832.]

Location how changed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Wright, sen. of Wayne county, be authorized and required, to change the location of the state road leading from Newcastle to Milton, so as to cause the same to intersect the National road thirty rods west of the present location.

This act to take effect and be in force from and after its passage.

CHAPTER XLIX.

An Act to locate a State Road from Terre Haute by way of Rockville to Crawfordsville.

[APPROVED, JANUARY 31, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Austin M. Puett of the county of Parke, be, and he is hereby appointed a commissioner, to view, mark and locate a state road, commencing on either of the state roads leading north from Terre-Haute, at a point not more than two miles south of the county line dividing Parke and Vigo counties, running from thence to Rockville in Parke county, on the nearest and best way that a road can be had, thence from Rockville on the nearest and best way to intersect the county road leading from Crawfordsville in a direction to Rockville, thence on said road to Crawfordsville in Montgomery county.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday of March next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties required of him by this act, to view, mark and locate said road, and shall make all necessary surveys, taking with him a sufficient number of chain-carriers, markers, and a surveyor for that purpose; and shall within twenty days after the location thereof, cause a report of the same to be filed in each of the clerks' offices of the counties of Vigo, Parke and Montgomery, and it shall be the duty of each of the clerks of the counties aforesaid, to record the same in the record books of the boards doing county business, within ten days thereafter.

SEC. 3. It shall be the duty of the boards doing county business in the counties aforesaid, at their next meeting after the filing of said report, to cause the said road to be opened any width not exceeding fifty feet, in the same way and manner as is now or may hereafter be provided for opening public roads and highways.

SEC. 4. It is hereby made the duty of the several boards doing county business in the counties aforesaid, to make the commissioner, chain-carriers and markers, such allowance as to them may seem reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any moneys not otherwise appropriated.

SEC. 5. Said commissioner is hereby authorized and required, previous to making an absolute location of said road, to take releases from the various individuals, through whose land said road may run, of all damages which such individual or individuals may sustain in consequence of

Commissioner and his duties.

Vigo
Parke
Montgomery
Crawfordsville

Time, oath, &c.

Report.

Road how opened.

Compensation.

Release.

said road running through his her or their land, if the same can be had, which releases so taken, shall be by said commissioner filed in the clerks office of the proper county in which the person or persons so releasing may reside, to be by said clerk filed in his office.

This act to take effect and be in force from and after its passage.

CHAPTER L.

An Act to locate a State Road from Montezuma to Crawfordsville.

[APPROVED, JANUARY 31, 1832.]

Commissioner
and his du-
ties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That Alexander McDonald, of the county of Parke, be, and he is hereby appointed, a commissioner to view, mark and locate a state road, commencing at the north end of the town of Montezuma, in Parke county, running from thence to the north-west corner of section thirty-six, being the land of Samuel Hill, and from thence by Perly Mitchel's mills to intersect the state road from Terre-Haute to Crawfordsville, where the county road from Montezuma to Crawfordsville now intersects the same, or as near thereto as the commissioner may think best; from thence along said state road to the town of Crawfordsville, in Montgomery county.*

Time, oath,
&c.

SEC. 2. The said commissioner shall proceed, on the first Monday in April next, or on some subsequent day, after having taken an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark and locate said road; he shall make all necessary examinations and surveys, taking with him a sufficient number of chain-carriers and markers, for that purpose, and in such examination and location, the commissioner shall, as far as he can with propriety, follow the county road from Montezuma to the point of intersection aforesaid, making such changes and alterations in the county road, as in his opinion will benefit said road, either by placing it on better ground or shortening the distance, doing as little damage to farms as can be done with justice to the public; and he shall within ten days after such location, cause a report of the same to be filed in the several clerks' offices of the counties through which the same may pass.

Report.

How opened.

SEC. 3. And it shall be the duty of the county commissioners, in each of the counties through which said road may run, to have the same opened any width not exceeding forty feet.

SEC. 4. It shall be the duty of the commissioners of each county, through which said road may pass, to make such allowance to the said commissioner, chain-carriers and markers, in proportion to the distance said road may run in each county, such allowance as they may think reasonable, payable out of the three per cent. fund, heretofore allowed to said counties.

SEC. 5. Said commissioner is hereby authorized and required, previous to making an absolute location of said road, to take releases of the various persons through whose land the same may pass, granting the right of way, if the same can be had, which releases shall be filed in the several clerks' offices, of the proper county.

SEC. 6. Should the commissioner herein named, remove, die or refuse to act, it shall be the duty of the commissioners of Parke county, to appoint some suitable person to fill such vacancy.

This act to take effect, and be in force from and after its publication.

CHAPTER LI.

An Act to provide for the location of the Road from the west bank of the Wabash river, opposite the public square in the town of Montezuma, to the state line in the direction of Judge Lowry's farm.

[APPROVED, JANUARY 31, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That William Malone of the county of Vermillion, be, and he is hereby appointed a commissioner to locate a state road from the west bank of the Wabash river, opposite the public square in the town of Montezuma in Parke county; thence to the north-west corner of Whitlock's farm; thence to Jacob White's; thence to the line dividing townships 15 and 16 north, in range 9 west; thence to the line dividing the states of Indiana and Illinois, in the direction of Judge Lowry's farm.*

Commissioner
and his duties

SEC. 2. The commissioner aforesaid, shall, on the first Monday in May, or as soon thereafter as may be convenient, after taking an oath faithfully and impartially to discharge the duty required of him by this act, proceed to locate and mark said road, and shall within thirty days thereafter, cause a report to be filed in the clerk's office of the county of Vermillion, to be recorded in the record book of the board doing county business in said county.

Time, oath,
&c.

Report.

SEC. 3. The commissioner aforesaid shall have power

Surveyor, &c.

Road how
opened.

to employ a surveyor, chain-carriers and markers, to lay out said road as proposed by this act.

SEC. 4. It shall be lawful for the board doing county business in the county of Vermillion, at its first meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, under the provisions of the law for opening and repairing public roads and highways.

Compensa-
tion.

SEC. 5. The board doing county business in the county of Vermillion, shall make such allowance to the commissioner aforesaid, and to the persons employed by him, as named in the third section of this act, as to them may seem just and reasonable, to be paid out of the county treasury.

This act to take effect and be in force from and after its passage.

CHAPTER LII.

An Act supplemental to an act entitled, "An act to establish a State Road from Richmond, Wayne county, to Fort Wayne. Approved January 24, 1831.

[APPROVED, JANUARY 31, 1832.]

Commission-
ers and their
duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Scarce, of Wayne county, John James, of Randolph county, and Lewis H. Davis, of Allen county, commissioners hereby appointed, be, and they are hereby authorized, to meet at the town of Winchester, in Randolph county, on the first Monday in June next, or any day thereafter, that they or a majority of them may agree upon; and after taking an oath for the faithful discharge of the duties enjoined on them by this act, and the act to which this is a supplement, they, or a majority of them, are hereby authorized to do and perform all and every matter and thing required of them to be done and performed in the same way that was required of them by the said act to which this is a supplement, as fully and completely, to all intents, as they could have done the same, within the time limited by said act.

Oath.

Vacancies
how filled.

SEC. 2. If either of the aforesaid commissioners shall die, or in any way refuse to act, the board doing county business, where such vacancy may take place, shall appoint a successor, who shall have full power to act as commissioner under the provisions of this law.

CHAPTER LIII.

An Act to revive a certain State Road therein named, and for other purposes.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the former state road, No. 27, in number twenty-seven, running from Rome, in the county of Perry to Fredonia, in the county of Crawford, and thence to the Levenworth state road, as runs through the county of Crawford, be, and the same is hereby revived and re-instated as a state road. Crawford re-
vived.

SEC. 2. That the sum of two hundred and ninety dollars of the money heretofore appropriated on the said state road, and which by an act of the last session of the General Assembly, was changed to a road from Rome to Petersburg, be, and the same is hereby re-appropriated to the improving of the said state road in the county of Crawford. \$290.00 ap-
propriated.

SEC. 3. That Ebenezer E. Morgan, of the county of Crawford, be, and he is hereby appointed a commissioner to superintend the expenditure of the said money, in improvements on said road, who shall before entering on the discharge of the duties of his appointment, file in the clerks office in the county of Crawford, a bond with security in double the amount of money intrusted to him by this act, conditioned for the faithful discharge of the duties of his said appointment. And the agent of the three per cent fund is hereby authorized and required to pay over to the said commissioner or his order, the said sum of two hundred and ninety dollars, out of the money heretofore appropriated to that purpose. Commission-
er and his du-
ties.
Bond.
Agent of three
per cent fund
shall pay over
&c.

SEC. 4. That the said commissioner shall be allowed the sum of one dollar per day, for each day he may necessarily be engaged in the discharge of the duties of his said appointment, payable out of the money appropriated by this act, for the improvement of said road. Compensation to com-
missioner.

SEC. 5. That so much of the act entitled an act, to establish a state road from Rome, in the county of Perry to Petersburg, in the county of Pike, and for other purposes, approved, January 30th, 1831, as comes within the purview of this act, be, and the same is hereby repealed. Repeal.

This act to take effect and be in force from and after its passage.

CHAPTER LIV.

An Act to locate a State Road, from New Albany to Lexington.

[APPROVED, FEBRUARY 2, 1832.]

Commissioner and his duties. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John K. Graham, of the county of Floyd, be, and he is hereby appointed commissioner, to view, and mark a state road, from New Albany, in Floyd county, to Lexington, in Scott county, so as to cross Silver creek, near Bottorff's mill.

Time and place. SEC. 2. The said commissioner shall attend at the town of New Albany, in the county of Floyd, on the first Monday in June next, or on some subsequent day that he may determine on, and after taking an oath faithfully and impartially to discharge the duties required of him by this act, shall proceed to view and mark said road, between the points aforesaid, in as straight a direction as suitable ground for the same can be found, and the said commissioner shall within thirty days after the location thereof, cause a report to be filed in each of the clerk's offices of the counties of Floyd, Clark and Scott, which report shall be recorded by said clerks in the record book of the boards doing county business in the said counties, within ten days after the filing of the same.

Oath.

Report.

How opened. SEC. 3. It shall be the duty of the boards doing county business in the counties of Floyd, Clark and Scott, at their first meeting, after the location of said road, to cause the same to be opened any width not exceeding thirty feet, and made agreeably to, and under the provisions of the several acts that now are, or may hereafter be in force, for opening and repairing public roads and highways.

Vacancies how filled. SEC. 4. Should the commissioner aforesaid, die, resign, or refuse to qualify, it shall be the duty of the board doing county business in the county of Floyd, to appoint some suitable person to fill such vacancy.

Compensation. SEC. 5. It is hereby made the duty of the boards doing county business in the aforesaid counties of Floyd, Clark and Scott, to allow the aforesaid commissioner, such compensation as they may deem just, for the services rendered under the provisions of this act, to be paid out of the county treasuries of Floyd, Clark and Scott counties, and the boards doing county business in the said counties, shall cause the said road to be opened and kept in repair, in the same manner, and by the same means that county roads are or ought by law to be opened and repaired.

This act to take effect and be in force from and after its publication.

CHAPTER LV.

An Act to amend the act entitled "An act, to appropriate part of the three per cent. fund, and for other purposes," approved, February 10th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum appropriated out of the three per cent fund, to the county of Ripley, by the act to which this is an amendment, be applied as follows: two hundred dollars to repair the bridge across Laughery creek in said county, and one hundred and seventy-five dollars, to improve the navigation of Laughery creek in said county, between Versailles and the Dearborn county line.

Appropriation to Ripley county, how applied.

SEC. 2. *And be it further enacted,* That the board of commissioners of the county of Ripley, shall at their May session next ensuing the passage of this act, appoint commissioners, to draw and apply the same, which appointment, and the duties of the commissioner or commissioners, as well as their compensation, shall be governed by the provisions of the act to which this is an amendment.

County board of Ripley shall appoint commissioners.

This act to take effect, and be in force from and after its publication in the Indiana Journal, any law to the contrary notwithstanding.

CHAPTER LVI.

An Act to locate a State Road from Bloomington, via. Leesville and Sparks Ferry, to intersect the Mauk's Ferry State Road, at or near Wm. Logans, in the county of Washington.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Carr, of the county of Jackson, be, and he is appointed commissioner to view, mark, and locate a state road, in and upon the present county road, making such alterations, as he may deem necessary, from Bloomington in Monroe county, by the way of Harveys ferry, on Salt creek, Leesville, in Lawrence county, and Sparks ferry, in Jackson county, to intersect the Mauk's ferry state road, at, or near the house of William Logan, in the county of Washington.

Commissioner and his duties.

SEC. 2. The said commissioner, after taking an oath faithfully and impartially, to discharge the duties enjoined on him by this act, shall, on the first Monday of June next, or as soon thereafter as may be convenient, proceed to view.

Oath and duties.

Report.

and mark said road as aforesaid, and shall within thirty days after the location of the same, file a report of his proceedings in the clerks offices, in the several counties, through which the same may pass, which report shall be recorded by the clerks of said counties, in the record book of boards doing county business in said counties, within twenty days after the filing of the same.

How opened.

SEC. 3. It shall be the duty of the boards doing county business in the counties through which the same may pass, at their first, or some subsequent meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of the several acts for opening and repairing public roads and highways.

Compensation.

SEC. 4. The commissioner aforesaid shall be allowed the sum of one dollar and fifty cents per day, for every day he may be necessarily employed in locating the same, to be paid out of the respective county treasuries, through which said road may run, in proportion to the length of said road, in the several counties through which it passes.

Vacancies how filled.

SEC. 5. Should any vacancy happen by death, resignation, or refusal to qualify, by said commissioner so appointed by this act, it shall be the duty of the board doing county business, in which such commissioner resides, to appoint some suitable person to fill such vacancy.

This act to take effect and be in force from and after its passage.

CHAPTER LVII.

An Act to establish a State Road from Fredericksburgh, in Washington county, to Terre Haute in Vigo county.

[APPROVED, FEBRUARY 2, 1832.]

Road established.

Be it enacted by the General Assembly of the State of Indiana, That the county road beginning at Fredericksburgh in Washington county, and leading thence to Livonia in said county, thence to Orleans, in the county of Orange, thence to Wood's ferry on White river, in the county of Lawrence, thence to Yurley's mills, in the county of Green, thence to James Stalcup's, thence to the Big branch, near John Kelley's, thence forty rods to the right of said Kelley's to Thomas Smith's ferry, on the west fork of White river, in said county of Green, thence to the sixteenth section in the county of Clay, in township nine, range seven west, thence to Ray's in Vigo county, and thence to Terre

Haute, in said county of Vigo, be, and the same is hereby declared a state road to all intents and purposes, the same to run as near as practicable in the old county roads as above named.

This act to be in force from its passage.

CHAPTER LVIII.

An Act to re-locate part of the Lawrenceburgh and Rushville State Road, in Rush county.

[APPROVED, FEBRUARY 2, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in Rush county, be, and they are hereby vested with power to cause to be altered, changed or vacated, any state road or roads within said county, (the Brookville and Connersville state roads excepted) in the same manner and under the same regulations, as if such roads had been established, or authorized by said board. County board may alter.

CHAPTER LIX.

An Act to authorize the location of a State Road, from the Bell Fountain road on the Ohio state line, to the northern boundary line of Indiana, in the direction to White Pigeon, in Michigan Territory.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Ephraim Seely and Luther Newton, of the county of Lagrange be, and they are hereby appointed commissioners, to view, survey, locate and mark a state road from the point, where the Bell Fountain road of Ohio intersects the state line of Indiana, by way of the county seat of Lagrange county, to the line dividing Indiana from Michigan Territory, in the direction to White Pigeon Prairie in said Territory. Commissioners and their duties.

SEC. 2. That it shall be the duty of the commissioners aforesaid, on the first Monday of May next, or on some subsequent day to be by them agreed upon, to meet at the house of the said Luther Newton, in the county of Lagrange; and after taking an oath or affirmation faithfully and impartially, to discharge the duties herein enjoined, to proceed to view, survey, mark and locate said road, in the When and where to meet. Oath, &c.

Washington
Orange
Lawrence
Green
Clay
Vigo

nearest direction, and on the best ground, between the places of its commencement and termination; having respect for the property of individuals, whenever the same can be done, without materially increasing the length of said road; and it is also made the duty of said commissioners, within thirty days after locating said road, to cause a report of their proceedings to be filed in the clerk's office in the county of Lagrange; which report shall, within ten days after the filing thereof, be recorded by said clerk in the record book of the county commissioners of the county aforesaid.

Report.

Vacancies
how filled.

SEC. 3. If any vacancy shall occur by death, resignation, removal, or refusal to serve, by either of the commissioners aforesaid, it shall be the duty of the board of commissioners of the county of Lagrange at their next meeting for transacting county business thereafter, to appoint one or more suitable person or persons to fill such vacancy or vacancies.

Compensa-
tion.

SEC. 4. *Be it further enacted*, That the commissioners aforesaid be allowed the sum of one dollar per day, for every day which they may be necessarily employed in locating said road, to be allowed by the board of commissioners of said county, and paid out of the county treasury thereof.

Surveyor, &c.

SEC. 5. *Be it further enacted*, That the commissioners aforesaid be, and they are hereby authorized and empowered to employ a surveyor, two chainmen, and a sufficient number of assistants necessary to locate and mark said road, who shall be allowed a reasonable compensation for their services, and be paid in like manner as is provided for the pay of the road commissioners in the fourth section of this act.

This act to take effect and be in force from and after its passage.

CHAPTER LX.

An Act providing for the location of a State Road from New Albany to Jeffersonville.

[APPROVED, FEBRUARY 2, 1832.]

Commission-
ers and their
duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Stewart of the county of Floyd, and Aaron Applegate of the county of Clark be, and they are hereby appointed commissioners to view, mark, and lay out a state road from New Albany in the county of Floyd, thence the nearest and best route to Jeffersonville in Clark county.

SEC. 2. The said commissioners shall meet in the town of New Albany on the first Monday in April next, or any subsequent day to be agreed upon by them, and after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, locate, and mark said road, and shall within thirty days after the location thereof, cause a report to be filed in each of the counties through which it may pass; which report shall be recorded by the clerks of said counties in the record books of the boards doing county business in said counties, within ten days after the filing of the same.

Report.

SEC. 3. It shall be the duty of the boards doing county business in their respective counties, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding fifty feet, and made agreeably to and under the provisions of the several acts that now are or hereafter may be in force for opening and repairing public roads and highways.

Road how o-
pened.

SEC. 4. Should any vacancy happen by death, resignation, or otherwise, of either of the commissioners aforesaid, it shall be the duty of the board doing county business in which such commissioner or commissioners reside or resides, to fill such vacancy.

Vacancies
how filled.

SEC. 5. It is hereby made the duty of the board doing county business in the aforesaid counties, to allow to each of the commissioners aforesaid such compensation as they may deem just for the services rendered under the provisions of this act, in proportion to the length of the said road in such county, to be paid out of the county treasury.

Compensa-
tion.

This act to take effect and be in force from and after its passage.

CHAPTER LXI.

An Act to locate a State Road from Greensburgh, by way of Goshen to Columbus.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Gabbert and Ransom Perry, of Bartholomew county, and William J. Lowry, of Decatur county, be, and they are hereby authorized to view, mark and locate a state road, commencing at the town of Greensburgh, in Decatur county, running from thence, the nearest and best way that a road can be had, to Goshen in

Commissioners
and their du-
ties.

Bartholomew county, and from thence the nearest and best way to Columbus.

When and where to meet Oath. SEC. 2. The commissioners aforesaid shall meet at the town of Greensburgh, on the first Monday in June next, or on some subsequent day, and after taking an oath, faithfully and impartially to discharge the duties required of them by this act, to view, mark and locate said road, and shall make all necessary surveys, taking with them a sufficient number of chain-carriers and markers for that purpose, and shall within five days after the location thereof, cause a report of the same to be filed in each of the clerks' offices of the counties of Decatur and Bartholomew, and it shall be the duty of the clerks of the counties aforesaid, to record the same in the record book of the board doing county business, within ten days thereafter.

Report. SEC. 3. It shall be the duty of the boards doing county business, in the counties aforesaid, at their next session after the filing of said report, to cause the said road to be opened any width not exceeding forty feet, in the same way as is now or may hereafter be provided, for opening and repairing public roads and highways.

Road how opened. SEC. 4. Should a vacancy happen by death, resignation or otherwise, it shall be the duty of the board doing county business in the county where such vacancy may happen, to appoint some suitable person to fill such vacancy, who shall take the same oath, before entering upon the duties herein required, as is required of the commissioners hereby appointed.

Vacancies how filled. SEC. 5. It is hereby made the duty of the several boards doing county business, in the counties aforesaid, to make to the commissioners, chain-carriers and markers, such allowance as to them may seem reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any money not otherwise appropriated.

Compensation. SEC. 6. Said commissioners are hereby authorized and required, previous to making an absolute location of said road, to take releases of the various individuals, through whose lands said road may run, of all damages which any such individual or individuals may sustain in consequence of said road running through his, her, or their land, if the same can be had; which releases, when so taken, shall be by said commissioners filed in the clerk's office of the proper county in which the person or persons so releasing may reside.

Releases of lands. This act to take effect and be in force from and after its publication.

CHAPTER LXII.

An Act to establish a State Road from Fort Wayne in Allen county, to South Bend in St. Joseph county, by way of Gocean in Elkhart county.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nathan Coleman of the county of Allen, James Blair, of the county of Elkhart, and Samuel Martin of the county of St. Joseph, be, and they are hereby appointed commissioners to mark, survey, and locate a state road, from Fort Wayne in Allen county, the nearest and best route to South Bend in St. Joseph county, making Gocean in Elkhart county a point. **Commissioners and their duties.**

SEC. 2. It shall be the duty of the commissioners aforesaid, on the first Monday in May next, or some subsequent day preceding the first day of August next, to meet at Fort Wayne in Allen county, and after taking an oath or affirmation, faithfully and impartially to discharge their duty, proceed to mark, locate and survey a state road, agreeably to the provisions of the first section of this act, having respect to individual property so far as not materially to increase the distance of said road, and it is also made the duty of said commissioners, within thirty days after making said location, to cause a report of their proceedings to be filed in each of the clerks' offices of the several counties through which the same may pass, which report shall within ten days after filing the same, be recorded by said clerks in the record book of the board of county commissioners of their respective counties. **When and where to meet Oath, &c.**

SEC. 3. Should any vacancy happen by death, resignation or otherwise, it shall be the duty of the board of county commissioners where such vacancy may happen, at their next meeting, to appoint some person to fill such vacancy. **Report.**

SEC. 4. The commissioners aforesaid shall each be allowed one dollar per day for each day they may necessarily be employed in making the location aforesaid, to be allowed by the board of county commissioners of the several counties through which said road is located, and paid out of the county treasuries of said counties in proportion to the length of said road in each of said counties aforesaid, and the commissioners aforesaid are hereby empowered to employ a surveyor, two chain-men, and a sufficient number of markers to locate said road, who shall be allowed a reasonable compensation for their services, payable out of the county treasuries of the counties aforesaid, as is herein provided for the payment of said commissioners. **Vacancy how filled.**

Compensation.

Surveyor, &c.

CHAPTER LXIII.

An Act to amend the act entitled "An act to establish a State Road from William Conelly's in Lawrence county, to Green Castle, in Putnam county," approved, February 7th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

Commissioners and their duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Franklin of the county of Owen, and John R. Crooke, of the county of Lawrence, or either of them, be, and are hereby appointed commissioners, to mark, survey, and locate said state road, in the act to which this is an amendment.

When and where to meet, &c.

SEC. 2. It shall be the duty of said commissioners, on the first Monday of June next, or on some subsequent day, to be agreed upon by said commissioners, to meet at the house of William Conelly, in the county of Lawrence, and proceed to locate the road aforesaid, and be governed in all respects according to the provisions of said act to which this is an amendment; and said commissioners or either of them, are hereby authorized to employ a surveyor, chainmen and markers, to locate said road as contemplated by the act aforesaid.

Surveyor, &c.

This act to be in force from and after its passage.

CHAPTER LXIV.

An Act to relocate a part of the State Road, leading from Frankfort to Lafayette.

[APPROVED, FEBRUARY 3, 1832.]

Commissioner and his duties

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Harland of the county of Clinton, be appointed a commissioner to re-locate so much of the state road, leading from Frankfort to Lafayette, as lies within the county of Clinton.

Time, duty, &c.

SEC. 2. The commissioner aforesaid, shall, on the first Monday in May next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duty assigned him by this act, proceed to view, mark and re-locate the road aforesaid, on the nearest and best direction, having due regard to the quality of the ground; beginning at Frankfort, and intersecting the road again, at some point within said county, in the direction to Lafayette; taking with him, if necessary, a surveyor, chain carriers and marker. A plat of which location, he shall file in

Report.

the clerk's office of the proper county, within twenty days after the location is made.

SEC. 3. It shall be the duty of the board doing county business, in the county of Clinton, at their next meeting after the location is made, to cause the same to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of an act entitled, "An act for opening and repairing public roads and highways."

Road how opened.

SEC. 4. That the commissioner aforesaid, shall be allowed the sum of one dollar per diem, for every day he may be necessarily employed in the re-location of said road, which, together with all other reasonable expenses, shall be paid out of the first moneys received from the agent of the three per cent fund, by the county of Clinton.

Compensation.

This act to be in force, and take effect from and after its passage.

CHAPTER LXV.

An Act to locate a State Road from Winchester, in Randolph county, to New Castle, in Henry county.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Boroughs of Randolph county, be, and he is hereby appointed a commissioner, to view, mark and locate a state road from Winchester, in Randolph county, to New Castle, in Henry county; the commissioner aforesaid, shall attend in the town of Winchester, on the first Monday of May next, or some day thereafter, and after taking an oath faithfully and impartially to discharge his duties according to the provisions of this act, shall proceed to view, mark and locate said road; commencing at the town of Winchester, thence running with, or in the direction of a county road from Winchester, to the plantation formerly occupied by William Smith, deceased, thence to or near the plantation of John Boroughs, in the south west corner of Randolph county, thence the nearest and best way to New Castle in Henry county.

Time, oath, &c.

SEC. 2. The commissioner shall be authorized to make such alterations as he may deem necessary, so as not to injure the individual property through which said road may pass; said commissioner is hereby authorized to employ such surveyor, chain carriers and markers as he may deem expedient for that purpose.

Surveyor, &c.

SEC. 3. It shall be the duty of said commissioner to cause a report of the location of said road, to be filed in Report.

the clerk's office of said counties, through which said road may pass, within ten days after such location is made; and it shall be the duty of said clerks to record the same on the record book of the boards doing county business, within ten days thereafter.

Road how
opened.

SEC. 4. The boards doing county business, may, if they deem it expedient, at their next meeting after such report has been filed, cause said road to be opened any width not exceeding forty feet, in the same way and manner as is now or may hereafter be provided, for opening and repairing public roads and highways.

Vacaney how
filled.

SEC. 5. Should a vacancy happen by death, resignation or otherwise, it shall be the duty of the board doing county business, in Randolph county, to appoint some suitable person to fill such vacancy.

Compensa-
tion.

SEC. 6. The boards doing county business in the counties aforesaid, shall make to the commissioner, surveyor, chain carriers and markers, such compensation as to them may seem reasonable and just, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county.

This act to take effect and be in force from and after its publication.

CHAPTER LXVI.

An Act to establish a State Road from Greensburgh, in Decatur county, to Brookville, in Franklin county.

[APPROVED, FEBRUARY 3, 1832.]

Commissioner
and their du-
ties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Asa Davis and Charles Martin of Franklin county, and John G. Kendall of Decatur county, be, and they are hereby appointed commissioners, to view, survey, locate and mark a state road, from Greensburgh, in Decatur county, to Brookville, in Franklin county.

When and
where to
meet, oath,
&c.

SEC. 2. Said commissioners shall meet at Greensburgh, on the first Monday of May next, or as soon thereafter, as they may agree, and after having been duly sworn to discharge the duties required of them by this act, shall proceed to view, locate and mark a state road from Greensburgh in Decatur county, to Brookville, in Franklin county; taking into consideration such route as will best subserve the public interest, without being confined to the most direct route.

SEC. 3. The expenses of carrying into effect the requi-

tions of this act, shall be defrayed out of the treasuries of Franklin and Decatur counties, to be allowed by the board of commissioners of each county, at the rate of one dollar per day, for each commissioner. Expense how paid.

SEC. 4. The surveyor, chainmen and markers, shall each be allowed a reasonable compensation, to be adjudged by the commissioners appointed by this act: and the expenses of the same shall be equally borne by the said counties of Franklin and Decatur. Compensation to surveyor, &c.

SEC. 5. It shall be the duty of the county commissioners of the respective counties, to cause the said road to be opened, in the same manner that other roads are, as soon after the location as practicable. Road how opened.

SEC. 6. The surveyor, who may have been appointed to survey said road, shall file in the clerk's office of the proper county, the survey of the road, as far as it lies in the said county. Report.

CHAPTER LXVII.

An Act to re-locate a part of the State Road from New Castle to Lafayette.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin Bickley of the county of Clinton, be, and he is hereby appointed a commissioner to re-locate so much of the state road, leading from New Castle in Henry county, to Lafayette, in Tippecanoe county, as lies between the following points, to-wit: commencing twenty rods east of the sixty-four mile tree, thence to Sugar creek, below Kirk's mills, thence to intersect the road, at or near the sixty-five mile tree. Commissioner and his duties.

SEC. 2. The commissioner aforesaid, shall on the first Monday in April next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned him by this act, proceed to view, mark and re-locate the said road, and shall within thirty days after the location thereof, cause a report of the same to be filed in the clerk's office of Clinton county, which shall within ten days thereafter, be recorded by the clerk of said county in the record book of the board doing county business; and that part of the road so re-located under the provisions of this act, shall be considered a part of said state road; and upon the petitioners opening the same equally convenient for travellers, that part of the road which lies between the Road estab- lished. Road vacated.

points of intersection shall be vacated, *Provided*, That the petitioners shall defray all the expenses of such re-location.

This act to take effect, and be in force from and after its passage.

CHAPTER LXVIII.

An Act to authorize the location of a State Road from Fort Wayne in Allen county, to Mongoquemong Prairie, in the county of Lagrange.

[APPROVED, FEBRUARY 3, 1832.]

Commission-
ers and their
duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Francis Comporit, of the county of Allen, and Moses Rice, of the county of Lagrange, be, and they are hereby appointed commissioners, to view, survey, mark and locate a state road from Fort Wayne in Allen county, the nearest and best route, to Mongoquemong prairie, in the county of Lagrange, so as to intersect a certain state road leading from Fort Defiance, in the state of Ohio, to White Pigeon, in Michigan territory.

Time and
place.

Oath.

SEC. 2. It shall be the duty of the commissioners aforesaid, on the first Monday of May next, or some subsequent day to be agreed upon by said commissioners, to meet at Fort Wayne, and after taking an oath or affirmation, faithfully and impartially to discharge the duties herein enjoined, proceed to view, mark, survey, and locate said road, agreeably to the provisions of the first section of this act, having respect for private property, so far as not materially to increase the distance of said road; and it is also made the duty of said commissioners, within thirty days after making said location, to cause a report of their proceedings to be filed in each of the clerks' offices of the several counties in which the same may be located, which report shall within ten days after filing the same as aforesaid, be recorded by said clerks in the record book of the county commissioners in their respective counties.

Report.

Vacancies
how filled.

SEC. 3. Should any vacancy occur by death, removal, resignation or refusal to act, by either of the commissioners aforesaid, it shall be the duty of the board of county commissioners in which such vacancy may occur, at their next meeting thereafter, to appoint some suitable person to fill such vacancy.

Compensa-
tion.

SEC. 4. The commissioners aforesaid shall each be allowed the sum of one dollar per day, for every day which they may be necessarily employed in making the location aforesaid, to be allowed by the board of county commis-

sioners of the county of Allen and Lagrange aforesaid, and paid out of the county treasury of said counties, in proportion to the length of said location through said counties. And the commissioners aforesaid are fully authorized and empowered, to employ a surveyor, two chain-bearers, and a sufficient number of markers necessary to locate said road, who shall be allowed a reasonable compensation for their services, payable out of the county treasury of the counties aforesaid, in the same manner as herein provided for the payment of said commissioner.

This act to take effect and be in force from and after its passage.

CHAPTER LXIX.

An Act locating a State Road from the Town of Lagrange, in Tippecanoe county, to Logansport, in Cass county.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Harry, of Tippecanoe county, be, and he is hereby appointed a commissioner to locate, mark, and lay off a state road, commencing in Main street in the town of Lagrange, aforesaid; thence the nearest and best route to the Crossing of Indian creek; thence the nearest and best way to the Crossing of Tippecanoe river; thence the nearest and best way to Logansport.

Commission-
er and his du-
ties.

SEC. 2. The commissioner aforesaid shall, if he thinks it advisable, call to his aid a surveyor, marker, and chain-carriers, each of whom shall be entitled to a reasonable compensation for their services, payable out of the several county treasuries, in proportion to the length of said road in each of the counties through which said road may pass, to be allowed by the several boards of county commissioners, on the certificate of said road commissioner.

Surveyor, &c.

SEC. 3. It shall be the duty of the said commissioner, to make, if surveyed, a plain survey and plat of said road, with the courses and distances, or if only marked, a plain and full description of the ground by him designated and located, as such road, a copy of which shall be returned by said commissioner, into the clerk's office of each of said counties, through which the same is so located, or so much as is in such county.

Report.

SEC. 4. The said commissioner shall take an oath faithfully to discharge all his duties as commissioner, and for which services he shall be allowed one dollar per day, out

Oath of com-
missioner and
his compen-
sation.

of the county treasuries of the several counties through which said road is located, in proportion to the number of miles in each of the several counties, through which the same may pass.

This act to be in force from and after its publication in the Lafayette Free Press, a paper published in the town of Lafayette.

CHAPTER LXX.

An Act providing for the re-location of a part of the State Road leading from Terre-Haute, in Vigo county, via Carlisle in Sullivan county, to Mount Pleasant in Martin county.

[APPROVED, FEBRUARY 3, 1832.]

Commissioners and their duties. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Hamilton Reed and Robert Bratton of Vigo county, and James Brooks of Sullivan county, be, and they are hereby appointed commissioners to lay out, mark, and re-locate so much of the state road leading from Terre-Haute, in Vigo county, via Carlisle in Sullivan county, to Mount Pleasant in Martin county, as lies between Terre-Haute and Carlisle.

Time and place to meet, &c. SEC. 2. It shall be the duty of said commissioners, to meet at Terre-Haute, on the first Monday in September next, or on some day thereafter to be fixed upon by themselves, and proceed to lay out, mark, and re-locate so much of said road as lies between Terre-Haute and Carlisle: **Proviso.** *Provided,* that the distance between said points shall not be increased by a change, and in their opinion the general convenience of the citizens of the counties of Vigo and Sullivan will be subserved by a re-location, said commissioners taking into consideration also the facilities offered in opening and improving said road; and if they or a majority of them shall re-locate the same, they shall make out a report of the route of said road so re-located, and the distance from point to point, copies of which shall be filed in the clerks' offices of the said counties, and recorded by the clerks thereof, in the record books of the board doing county business therein.

Surveyor, &c. SEC. 3. Said commissioners may, if they think proper, employ a surveyor and chain-carriers, who, together with themselves, shall receive such compensation for their services from said counties, in proportion to the distance of the road in each, as the boards doing county business there-in shall deem reasonable.

Compensation. SEC. 4. Should said commissioners or a majority of

them re-locate said road between Terre-Haute and Carlisle as aforesaid, the same as re-located shall be the established route between said points, and the same as now located be to all intents & purposes vacated, otherwise the same as now located shall remain established and permanent.

This act to take effect from and after its passage.

CHAPTER LXXI.

An Act to establish a State Road, from Napoleon in Ripley county, to Jehu Perkins' in Rush county, and to locate a State Road therein named.

[APPROVED, FEBRUARY 3, 1832.]

Road established. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the state road located by John B. Talbot (commissioner appointed for that purpose) from near the house of Jehu Perkins in Rush county, via the widow Donnals' in Decatur county, to Napoleon in Ripley county, be, and the same is hereby established as located and marked by said commissioner.

Commissioner and his duties SEC. 2. *Be it further enacted,* That Joseph Lowe, of the county of Rush, be, and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at the centre of section twelve, township twelve, north of range ten east, thence to New Salem on the Brookville state road in Rush county, thence north to the National Road in Henry county: **Proviso.** *Provided,* that the commissioner aforesaid may, if the public good require it, vary the location of said road one mile east or west of a due north line.

Time, oath, &c. SEC. 3. The commissioner aforesaid, shall, on the first Monday in April, or some subsequent day, after taking an oath, faithfully and impartially to discharge the duty enjoined on him by this act, proceed to view, mark and locate said road, employing, if necessary, a surveyor, chain-carriers and marker, and shall within thirty days after the location thereof, cause a report of the same to be filed in each of the clerks' offices of Rush and Henry counties, which shall within ten days thereafter, be recorded by them, or so much thereof as lies in their respective counties, on the record books of the board doing county business in the counties aforesaid; and the board doing county business in each county, may, at their first meeting thereafter, if they deem it proper, cause the same to be opened any width not exceeding forty feet.

Report. SEC. 4. In case of death or refusal of the commissioner to qualify, appointed by this act, the board doing county business

Road how opened.

Vacancy how filled.

Compensation.

business in Rush county, shall appoint some suitable person to fill such vacancy, who shall be governed as provided for in this act; and the board doing business in the counties aforesaid, shall make such compensation to the commissioner aforesaid, and those necessarily employed by him, as they may deem just and reasonable, to be paid out of the county treasury of Rush and Henry counties aforesaid.

This act to be in force from and after its passage.

CHAPTER LXXII.

An Act to establish a State Road from Greensburgh, in Decatur county to Noblesville, in Hamilton county.

[APPROVED, FEBRUARY 2, 1832.]

Road established.

Commissioners and their duties.

When and where to meet. Oath, &c.

Surveyor, &c.

Report.

Compensation.

Vacancy how filled.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there is hereby established a state road from Morristown, in Shelby county, by way of Greenfield, in Hancock county, and Noblesville in Hamilton county, to intersect the Lafayette and New Castle road, at or near Kirk's Prairie, in the county of Clinton.

SEC. 2. That John Osborn of Hancock county, and John D. Stephenson of Hamilton county, be, and they are hereby appointed commissioners, to view, locate and mark so much of said road, as lies between Morristown and the termination thereof, at or near Kirk's Prairie.

SEC. 3. The said commissioners shall meet at Morristown on the first Monday in April next, or at any time thereafter, that they may agree upon, and after taking an oath or affirmation, for the faithful and impartial discharge of the duties required of them by this act, proceed to view, locate and mark the said road between the points aforesaid, taking with them a surveyor, chainmen and markers for that purpose, and shall within thirty days thereafter, cause a report of the survey to be filed in the clerk's office of each county through which said road may pass; which shall be by said clerks, recorded in the record book of the board doing county business for said county, within ten days thereafter.

SEC. 4. The board doing county business in the counties of Hancock, Hamilton and Clinton, shall make to those persons engaged in locating the road as aforesaid, such allowance as they may deem reasonable and just, to be paid out of the county treasury thereof; and should any vacancy happen in the appointment of commissioners as aforesaid, the said boards respectively shall fill such vacancy.

SEC. 5. The boards doing county business in the se-

veral counties through which the aforesaid road may pass, shall cause the same to be opened and kept in repair, agreeably to the act for opening and repairing public roads and highways.

CHAPTER LXXIII.

An Act to locate a certain State Road therein named, and for other purposes.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Obadiah T. Barker, of the county of Greene, William Dillan of the county of Daviess, and George Frame, of the county of Martin, are hereby appointed commissioners, to view, mark and locate a state road as follows, to-wit: beginning at Mount Pleasant, in Martin county, from thence on the nearest and best route for a road to Bloomfield, in Greene county, from thence to the Vincennes state road, in the forks of White and Eel rivers, in said county of Greene, crossing White river at the old ford, above Craig's old mill dam; having regard to farms under cultivation, so as not to materially injure them.

Commissioners and their duties.

SEC. 2. The board of commissioners of Greene county, are hereby empowered to grant a license, authorizing the person owning land on either side of White river, to establish a ferry, where this road crosses said river; any thing contained in the act entitled "An act, to establish and regulate ferries," approved, February 10th, 1831, which prohibits the location of ferries within a mile of one another to the contrary notwithstanding; *Provided*, That in all other respects, the said ferry shall be subject to the same regulations and restrictions that other ferries are.

County board may grant a ferry, &c.

Proviso.

SEC. 3. The commissioners aforesaid shall proceed on the first Monday in April next, or on some subsequent day thereafter, first taking an oath before some person, authorized to administer the same, faithfully and impartially to discharge the duties required of them by this act, to view, mark and locate said road, and shall make all necessary surveys by taking with them a surveyor, and a sufficient number of chain carriers and markers for that purpose, if they shall think it expedient, and shall within forty days after the location of said road, cause a report of the same to be filed in the clerk's office of Martin, Daviess and Greene counties, and it shall be the duty of the said clerks of said counties, to record the same in their record books, of the board doing county business within twenty days thereafter.

Time and place to meet, oath, &c.

Surveyor, &c.

Report.

Road, how
opened.

SEC. 4. It shall be the duty of the boards doing county business, in the counties aforesaid at their next meeting after the filing the said report, to cause the said road to be opened a reasonable width, so as not to exceed forty feet, in the same way and manner as is provided for opening public roads and highways.

Vacancies
how filled.

SEC. 5. Should any vacancy happen by death, resignation, or otherwise, of either of said commissioners, it shall be the duty of the boards doing county business of the several counties aforesaid, to fill such vacancy with other persons who shall take the same oath before mentioned, before entering upon the duties herein required of the commissioners heretofore appointed.

Compensa-
tion.

SEC. 6. It is hereby made the duty of the several boards doing county business in the three counties aforesaid, to make to the road commissioners, surveyors, chain carriers, and markers, such an allowance as to them shall seem just and reasonable, which shall be paid by the said counties aforesaid, in proportion to the length of said road, in each county, out of any monies not otherwise appropriated.

This act to take effect from and after its publication.

CHAPTER LXXIV.

An Act for the location of a State Road.

[APPROVED, FEBRUARY 2, 1832.]

Commissioner
and his duties

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jesse Julow, Sen'r. of the county of Montgomery, be, and he is hereby authorized to view, mark and locate a state road, commencing at the county line, dividing the counties of Montgomery and Hendricks, at a point where the state road leading from Mooresville in Morgan county, by the way of Danville, in Hendricks county, terminates, thence on or near the county road, running in that direction to Crawfordsville, in Montgomery county.

Time, oath,
&c.

SEC. 2. The commissioner aforesaid shall proceed on the first day of April, or some subsequent day, after taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark and locate said road; and shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers for that purpose; and shall within twenty days after the location thereof, cause a report of the same to be filed in the clerk's office of the county of Montgomery; and it shall be the duty of said clerk to cause the same to be recorded in the

Report.

record book of the board doing county business, within ten days thereafter.

SEC. 3. Should a vacancy happen by death, resignation or otherwise, the board doing county business in the county of Montgomery, shall have power to fill the same. Vacancy
how filled.

SEC. 4. The commissioner aforesaid shall receive for each day he may be employed in laying out said road, the sum of one dollar, to be paid out of the county treasury, together with all other reasonable expenses necessarily accruing from the location and survey of said road. Compensa-
tion.

This act to take effect and be in force from and after its passage.

CHAPTER LXXV.

An Act to change a part of the Lafayette State Road.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Duncan of Marion county, be, and he is hereby authorized to change a part of the Lafayette state road, to-wit: commencing at the forty-eight mile post, and then run north fifteen degrees west, till it intersects the main road again. Commissioner
and his duty.

SEC. 2. *And be it further enacted*, That so much of the aforesaid road, as lies between the points of re-location, be, and the same is hereby vacated as soon as the said Duncan shall open and make the new road as good as the old road now is at his own expense. How opened.

CHAPTER LXXVI.

An Act to locate a State Road from Muncytown, in Delaware county, to Pendleton, in Madison county.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Busby of Madison county, and Joseph Robins, of Henry county, be appointed as commissioners, to survey, mark and locate a state road from Muncytown in Delaware county, to Judge Tomblestons in said county, thence to Middletown in Henry county, thence to Huntsville in Madison county, and to Pendleton in said county. Commissioner
and their du-
ties.

Time, place,
oath, &c.

Report.

Vacancy how
filled.

Compensa-
tion.

Surveyor, &c.

Road, how
opened.

SEC. 2. The said commissioners shall meet at Muncy-town in Delaware county, on the first Monday of June, or some subsequent day prior to the first day of October; and after taking an oath faithfully to discharge the duties enjoined on them by this act, shall proceed to survey, mark and locate said road agreeably to the provisions contained in the first section of this act, having respect to individual rights, so far as not materially to increase the distance of said road; and shall within thirty days thereafter, cause a report of the same to be filed in each of the clerk's offices in the several counties through which said road may pass; which said report shall by said clerks be recorded in the record books of the boards doing county business respectively.

SEC. 3. Should any vacancy happen by death, resignation or refusal to serve, of any of said commissioners, it shall be the duty of the board doing county business where such vacancy may happen to fill the same; and that said commissioners be allowed one dollar and fifty cents per day, each, while necessarily employed in such location; they shall take to their assistance a surveyor and two chain carriers; the surveyor shall receive two dollars, and the chain carriers one dollar per day, for each day, to be paid out of the county treasuries of the respective counties through which said road may pass.

SEC. 4. It shall be the duty of the boards doing county business, for the counties through which said road may pass, to cause the same to be opened any width not exceeding forty feet, and made agreeably to, and under the several acts that now are or may be in force relative to the opening and keeping in repair roads and highways.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVII.

An Act to amend an act entitled, "An act to appropriate part of the three per cent fund, and for other purposes, so far as the same respects the county of Greene."

[APPROVED, FEBRUARY 2, 1832.]

Appropriation,
&c.

How drawn.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John S. Moore is hereby authorized to draw from the agent of said three per cent fund, the four hundred dollars heretofore appropriated to the county of Greene, by the act to which this is an amendment, and the said Moore is further authorized to draw from the agent of

said fund, one hundred and twenty-five dollars heretofore appropriated to the state road, leading from Indianapolis to Washington, in Daviess county, (being road, No. six,) and due Greene county on said road, 1st December, 1830.

SEC. 2. The said Moore is hereby directed to pay one hundred dollars of said four hundred dollars, to Caleb Jessup; which sum of one hundred dollars, said Jessup is directed to pay to those persons, who donated cash to the erection of a Bridge across Eel river, at its mouth, in proportion to the amount of cash given by said donors respectively. \$100 appropriated.

SEC. 3. The said Moore is further directed to pay two hundred dollars of said sum of four hundred, to Peter R. Lester, and the said Lester is hereby appointed a commissioner, and directed to appropriate said two hundred dollars towards the erection of a Bridge across Richland creek, where the Bono and Terre Haute state road passes the same, as soon as the board of commissioners of the county of Greene, or individuals, shall raise a sum sufficient to complete said bridge. \$200 appropriated.

SEC. 4. The said Moore is further directed to pay fifty dollars, of said sum of four hundred dollars, to Andrew Slinkard; and the said Slinkard is appointed a commissioner, and directed to appropriate the said sum of fifty dollars, towards erecting a bridge across Slinkard's creek, where the state road from Indianapolis to Washington crosses the same, whenever a sufficient sum shall be raised by the commissioners of Greene county, or otherwise, to finish the said bridge. \$50 appropriated.

SEC. 5. And the said Moore is further directed to pay fifty dollars, the remainder of the said four hundred dollars to Alexander Hunter; and said Hunter is appointed a commissioner, and directed to appropriate said fifty dollars to railing and causewaying the road, leading from Smith's ferry on White river, to Terre Haute, where the same passes through the Black Swamps, near John Shoemaker's. \$50 appropriated.

SEC. 6. And said Moore is further directed to pay said sum of one hundred and twenty-five dollars, to Cornelius Bogard, and said Bogard is appointed a commissioner, and directed to appropriate said sum to the erection of a bridge, across Doane's creek, where the road leading from Indianapolis to Washington, (being road No. six,) crosses the same. \$125 appropriated.

SEC. 7. The commissioners hereby appointed, are to be governed in all respects by the acts to which this is an amendment.

SEC. 8. The thirty-fifth section of the aforesaid act is Repealed hereby repealed.

CHAPTER LXXVIII.

An Act to locate a State Road therein named.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Marshall and Thomas C. Anthony of Delaware county, be, and they are hereby appointed commissioners, to view, mark, survey and locate a state road, commencing at the county seat of Delaware county, and running thence on the nearest and best route, to intersect the state road from Anderson Town to Fort Wayne, at or near where said state road crosses the Wabash river.

SEC. 2. The aforesaid commissioners, shall, on or before the first day of June next, severally take an oath or affirmation, before some person authorized to administer the same, to discharge the duties assigned them by this act, to the best of their abilities; and shall forthwith proceed to view, survey and locate the road as aforesaid.

SEC. 3. The aforesaid commissioners are hereby authorized, to take to their assistance, such surveyor, chain carriers and markers as are necessary to carry into effect the provisions of this act: and shall file in the clerk's office of said Delaware county, a report of the same, within ten days after said location shall be made.

SEC. 4. The commissioners aforesaid shall be entitled to receive for their services under this act, the sum of one dollar each per day; and all expenses reasonably incurred under the provisions of this act, shall be paid by the commissioners of said Delaware county, out of the county treasury thereof.

This act to take effect and be in force from and after its passage.

CHAPTER LXXIX.

An Act to continue a State Road, to commence at Parish's Grove, where the State Road leading from Lafayette in Tippecanoe county, and by the way of the outlet of the Cranberry Lake, to Parish's Grove.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Newell of the county of Warren, be, and he is hereby appointed a commissioner, to view, mark and lay out a state road from Parish's Grove,

to the state line on the direction to the Rapids of the Illinois, at the terminating point of the Illinois canal.

SEC. 2. The said commissioner shall attend at Parish's Grove, on the third Monday in March next, or on some subsequent day, and after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, shall proceed to view, mark and lay out said road, as directed in the first section of this act.

SEC. 3. The commissioner aforesaid shall immediately after the location of said road, make a report, which he shall cause to be filed in the clerk's office of Warren county, within twenty days after the location thereof, and it shall be the duty of the clerk to record the same in the record book of the board doing county business, within ten days after receiving the same.

SEC. 4. It shall be the duty of the board doing county business, in the county of Warren, at their first meeting after the said road shall be located and reported as aforesaid, to cause the same to be opened any width not exceeding fifty feet, and made agreeable to, and under the provisions of the several acts which now are, or which may hereafter be in force, for opening and repairing public roads and highways.

SEC. 5. The commissioner aforesaid shall be allowed one dollar per day, for every day he may be necessarily employed in locating said road, to be paid out of the county treasury, of any monies not otherwise appropriated, and the surveyor and chain carriers and markers, that are necessary to establish said road, shall be allowed such compensation, as to the board doing county business for said county of Warren, may seem just and reasonable, to be paid out of any monies not otherwise appropriated.

This act to be in force from and after its passage.

CHAPTER LXXX.

An Act authorizing a change in part of the Madison and Brownstown State Road.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Allen Hill of Jennings county, and Joshua Moore of Jackson county, be, and they are hereby appointed commissioners, with power to re-locate so much of said road, as lies between Coffee creek, in the county of Jennings, and Brownstown, in the county of Jackson, so as

to make said road cross the Muscokatuck river, at Standfield's mills.

SEC. 2. The commissioner, may employ a surveyor, should they deem it necessary in re-locating said road, to be paid a reasonable compensation for services, out of the county treasury of Jennings and Jackson counties, in proportion to the time actually employed within such counties, to be allowed by the board of such county commissioners on the certificate of said road commissioners. The above road commissioners shall each be allowed one dollar per day, payable out of their respective county treasuries, for each day they may be engaged in such re-location.

SEC. 3. The commissioners shall return into the clerk's offices of their respective counties, a report of such re-location, under their hands, (having been first qualified faithfully to discharge their respective duties,) giving such a description of such re-location, as will enable the supervisors of roads in said counties, to open the same on the ground marked and laid off as such road.

SEC. 4. Samuel Finacle, (or successor) shall, so soon as said commissioners shall re-locate said road, apply the appropriation made by an act of the Legislature, approved, February 10th, 1831, on that part of said re-located road that lies between Coffee creek, and Standfield's mills, in the same manner as directed in the 55th section of the aforesaid recited act.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXI.

An Act authorizing a distribution of the money now due to Road number eight, and for other purposes.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of one hundred and four dollars and fifty cents be, and the same is hereby appropriated out of the money now due the said road number eight. And that Cornelius Hall of the county of Crawford, is hereby appointed a commissioner on said road, so far as the county of Crawford is concerned; who shall in every respect be governed by the law now in force on the subject of road commissioners.

SEC. 2. That the sum of one hundred and four dollars and fifty cents, be, and the same is hereby appropriated out of the money now due said road, to the county of Orange.

to be applied to the building of a bridge across Lost river on said road, and that Edward Millis is hereby appointed a commissioner of said bridge.

SEC. 3. That the sum of one hundred and four dollars and fifty cents be, and the same is hereby appropriated out of the money due said road, to the county of Lawrence, to be applied to the building of a bridge across Salt creek in said county; and that William Kelsey is hereby appointed commissioner of said bridge.

SEC. 4. That the sum of one hundred and four dollars and fifty cents, be, and the same is hereby appropriated out of the money due said road, to the county of Monroe, to be applied on said road as the board of commissioners of said county may direct; and that Benjamin Rogers is hereby appointed a commissioner of said road, so far as it concerns the county of Monroe, who shall in all respects be governed by the law now in force on the subject of road commissioners.

SEC. 5. It shall be the duty of the board of county commissioners of each of the counties aforesaid, in case of a neglect or refusal to serve, to appoint and fill such vacancy, and the commissioner or commissioners so appointed shall be governed in all respects as is provided in the first section of this act.

SEC. 6. The agent of the three per cent fund is hereby authorized to pay to each of the commissioners appointed by this act, the respective sums to them appropriated.

This act to have effect and be in force from and after its publication.

CHAPTER LXXXII.

An Act to appropriate the amount of the three per cent. fund heretofore appropriated to Daviess county, for road No. six, to certain purposes therein named.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William McComick of the county of Daviess, be, and he is hereby authorized to draw and receive from the agent of the three per cent fund, the sum of one hundred and eighteen dollars and thirty-six and three fourth cents, whose duty it shall be, under the direction of the board of county commissioners of the county of Daviess aforesaid, to apply and pay the same in the following manner, to-wit: the sum of seventy five dollars to Fred-

erick Killian, to aid in the construction of a bridge across Prairie creek, where the state road from the High-banks of White river to Indianapolis, crosses the same; and the sum of sixteen dollars and sixty-eight and three-fourth cents, to aid in repairing a bridge across Smother's creek, where said road crosses the same; and the sum of sixteen dollars and sixty-eight cents, to aid in repairing a bridge across Veal's Creek, where said road crosses the same, on the sixteenth section.

Out of what fund.

SEC. 2. *And be it further enacted*, That the money appropriated by the provisions of this act, shall be paid out of the money remaining in the hands of the agent of the three per cent. fund, heretofore appropriated on the road leading from the High-banks of White river, to Indianapolis, it being part of the one hundred thousand dollars appropriated by an act of the legislature of this state at a former session.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIII.

An Act to establish a State Road from Lafayette to Parish's Grove.

[APPROVED, FEBRUARY 3, 1832.]

Commissioner and his duties

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Stephen Trickle of the county of Tippecanoe, be, and he is hereby appointed commissioner, to view and mark a state road, from Lafayette, to the house of William Dunn, at Sugar creek grove. thence to intersect the state road heretofore authorized, leading from Crawfordsville, through Williamsport, in a direction to Chicago.

Time, oath, &c.

Report.

SEC. 2. The said commissioner shall, on the first Monday in May next, or on some subsequent day, within thirty days thereafter, after taking an oath, faithfully and impartially to discharge the duties required of him by this act, proceed to view and mark said road between the points aforesaid, in as straight a direction as suitable ground can be found; and the said commissioner shall within thirty days after the location thereof, file a report of the route of said road, in each of the clerk's offices of the counties through the territory of which the said road may pass; which report shall be filed in the clerks' offices of the said counties, and be recorded in the record book of the several boards doing county business respectively.

SEC. 3. Should the commissioner aforesaid, die, resign, or refuse to qualify, it shall be the duty of the boards doing county business in Tippecanoe, to appoint some suitable person to fill such vacancy. Vacancy how filled.

SEC. 4. The board doing county business, through whose territory the road may pass, shall if they think proper, allow the said commissioner the sum of one dollar for each day he may be employed in laying out said road, and likewise a reasonable compensation to such persons as he may employ to assist in the survey and marking of said road. The expense to be equally divided between the several counties through which the said road may be located, in proportion to the length of the road which passes through their respective territories. Compensation.

CHAPTER LXXXIV

An Act to provide for locating a State Road from Merom, in Sullivan county, via New Lebanon, to Bloomfield, in Green county.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Coleman and George Boon, of Sullivan county, and Richard Wright, of Green county, be, and they are hereby appointed commissioners to view, mark, and lay out a state road from Merom in Sullivan county, by way of New Lebanon in said county, to Anderson's ferry on White river, thence to Bloomfield in Green county. Commissioners and their duties.

SEC. 2. It shall be the duty of the commissioners aforesaid, or a majority of them, to meet at the house of Josiah Mann in the town of Merom in Sullivan county, on the first Monday of May next, or on any day thereafter to be fixed on by themselves, or a majority of them; and after taking an oath faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to lay out a state road, from point to point, as designated in the first section of this act, and they shall make out a report of the route of said road, and the distance from point to point; a copy of which report, shall be filed by them in the clerks' offices of the counties of Sullivan and Green, or at least so much of said report, as belongs respectively to each county; and it is hereby made the duty of the clerks of said counties, to record the same in the record books of the boards doing county business in the counties aforesaid. Time and place. Oath. Report.

SEC. 3. The commissioners may, if they think best, em.

Surveyor, &c. ploy a surveyor, chain-carriers and markers, who together with the commissioners, shall receive such compensation for their services, from the several counties through which the said road may pass, (in proportion to the distance in each county) as to the boards doing county business in said counties respectively, shall seem just and reasonable. The commissioners shall keep an account of the expenses incident to the survey of said road, a copy of which shall be filed in the clerks' offices of the several counties, and be by the clerks of such counties laid before the boards doing county business; and it is hereby made the duty of said clerks to lay the same before the said boards at their next succeeding session.

SEC. 4. The boards doing county business, in the counties of Green and Sullivan, may, at any succeeding session after the report of the commissioners herein mentioned, direct and order the road herein described, to be opened any width not exceeding forty feet, and kept in repair, and otherwise managed as other roads are, or ought by law to be opened and repaired.

SEC. 5. If any of the commissioners aforesaid shall refuse to serve, or their appointments be otherwise vacated before the fulfilment of the duties required by this act, the boards doing county business in the county or counties where such vacancy may occur, shall proceed to fill the same; and such person or persons so appointed, shall be governed in all respects as if originally named in this act.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER LXXXV.

An Act to authorize William A. Hood to receive certain money from William McCrery, a Road Commissioner, and to expend the same.

[APPROVED, FEBRUARY 3, 1832.]

WHEREAS, By an act of the General Assembly of the State of Indiana, approved January 9th, 1830, William McCrery, of Carroll county, was appointed a commissioner to expend the sum of fifteen hundred dollars on a state road from Lafayette via Delphi and Logansport to Fort Wayne; and whereas, the report of said commissioner to the agent of the three per cent. fund exhibits a balance in his hands; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the said William McCrery, be, and he is here-

by authorized and directed to pay to William A. Hood, of Fort Wayne, or his order, the sum of one hundred and fifty dollars out of the unexpended money in his hands as aforesaid.

SEC. 2. Be it further enacted, That the aforesaid William A. Hood, be, and he is hereby appointed a commissioner to expend the above named sum of money upon the state road aforesaid, between the east line of Cass county and Fort Wayne, in such manner as he shall deem best for the improvement of said road.

SEC. 3. The said commissioner shall receive for his services under this act, one dollar per day, and it shall be the duty of said commissioner, to file his report and vouchers of the expenditure of said money with the agent of the three per cent. fund, on or before the 10th day of December next.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER LXXXVI.

An Act for the relief of Thomas Craner.

[APPROVED, JANUARY 31, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That Thomas Craner, commissioner, to view, mark and locate a state road from Richmond in Wayne county, to Logansport in Cass county, be allowed in addition to the usual allowance of one dollar per day, a sum sufficient to meet his travelling expences, not exceeding however, fifty cents per day, to be determined by the agent of the three per cent fund, and paid out of the money heretofore appropriated to the said Logansport state road.

CHAPTER LXXXVII.

An Act for the relief of John Boner, of Jennings county.

[APPROVED, JANUARY 26, 1832.]

WHEREAS, it has been represented to this General Assembly, that John Boner of Jennings, entered into a contract with Selon Robinson of said county, (as road commissioner on the state road from Madison to Indianapolis,) which contract, if enforced by the authority of the state,

would prove ruinous to said Boner and family; for remedy whereof.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Robert B. Mitchell of Jefferson county, William A. Bullock of Jennings county, and David S. Taylor of Bartholomew county, be, and they are hereby appointed commissioners, and as such authorized to call on Solon Robinson for the contract entered into by the said Boner, with said Robinson as road commissioner, for the making a clay turnpike on the Madison and Indianapolis state road, or a copy of said contract. And it is hereby made the duty of said Robinson to furnish said contract or a copy thereof: and on the receipt of said contract, said commissioners shall proceed to examine all labour done by said Boner, under said contract, on said road; said commissioners or a majority of them shall certify under their hands to said Robinson and Boner, the amount by them found to be justly due to said Boner for labour and services rendered on said road in pursuance of his said contract; the sum of money due said Boner, shall be paid by the agent of the three per cent fund, out of monies appropriated on said road, by an act of the Legislature, approved February 10th, 1831, on the certificate of said commissioners; and from the day and date of such allowance being certified by said commissioners, the aforesaid contract made by said Boner with said Robinson is hereby rescinded and made null and void: *Provided however,* That nothing herein contained shall authorize said commissioners to allow to said Boner any larger sum than is justly due on the contract, in proportion for the quantity of work done, to that which he was to have done to complete the said contract.

SEC. 2. The commissioners hereby appointed shall, before entering on the duties hereby assigned them, take an oath, before a justice of the peace, faithfully to discharge the trusts hereby confided to their sound discretion. The aforesaid commissioners shall meet, on reasonable notice being given them by said Boner, at any time after the fifteenth day of March next: said commissioners shall each be entitled to one dollar per day, for each day they may be necessarily employed in the duties enjoined on them by this act, payable by said Boner, so soon as the services are rendered: said road commissioner is hereby directed to stay all further proceedings in relation to the aforesaid contract, until the determination of the commissioners appointed by this act shall be made known.

This act shall be in force from and after its passage.

Commissioners appointed to ascertain what is due.

Certificate how made.

How paid.

Contract to be rescinded. Proviso.

Oath of commissioners.

Time of meeting.

Compensation to commissioners.

Commissioner shall stay proceedings.

CHAPTER LXXXVIII.

An Act to prevent useless and expensive applications to the General Assembly relating to State Roads.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons, desiring to change any state road, passing through his, her, or their land, may, by petition, particularly describing such proposed change, apply to the board of county commissioners of the proper county, and the said board on application so made, shall thereupon appoint as commissioners, three competent, disinterested freeholders, who, after taking an oath agreeably to law, faithfully and impartially to discharge the duties of them required by this act, shall proceed to view the established and proposed road, and if they believe that justice and the public good will permit such alteration, they shall lay off and mark such new way, and report their proceedings in writing, under their hands and seals, to the said board of commissioners, which report shall by the clerk of said board be recorded and filed in his office; and the said new way so marked, after being opened and made in all respects equally as good and convenient for travellers, at the expense of the applicant, shall be a part of said state road, and shall be kept in repair in the same manner that other sections of said road are; and the said board, on receiving satisfactory evidence of said new roads being so opened and made equally as good as the old road, shall order the old road to be vacated.

SEC. 2. That when the citizens of any county or township, shall desire to change any state road, public road or highway situated in such county or township, any twelve or more householders of the proper township, three of whom are residents of the neighborhood in which such proposed change is contemplated to be made, or twenty-four or more householders of such county, on giving at least twenty days notice of their intended application, by setting up written advertisements particularly describing the change intended to be applied for, in three or more of the most public places in such township, in which such proposed change is contemplated to be made, may by petition particularly describing such contemplated change, apply to the board of county commissioners of the proper county, and the said board on application being so made, shall cause the petition to be publicly read, and on being satisfied that the aforesaid notice has been properly given, shall thereupon appoint as commissioners, three competent disinterested freeholders, who or a majority of them, after

Individual application to county board how made.

County board shall appoint Commissioners and their duties.

View.

Report.

Road to be opened at expense of applicant.

How changed on application of 12 or 24 householders.

Notice.

Petition and how disposed of.

County board shall appoint.

3 commissioners and their duties.

Report.

Road how opened.

Compensation to commissioners.

Old road vacated.

Rep't against road how made.

Applicants to pay costs.

Objections to applications how made.

Expense of road through different co's how borne.

Co. Board of each co. shall cause road to be opened.

taking an oath agreeably to law faithfully and impartially to discharge the duties of them required by this act, shall proceed to view the established and proposed road; and if after so viewing such established and proposed road, they find that justice and the public good require the alteration applied for, they shall lay off and mark the proposed new way, and report their proceedings in writing, under their hands and seals, to the said board of county commissioners, who shall cause it to be publicly read, and if no objections be made, the said board shall order the said report to be recorded and filed in the clerk's office; and shall thereupon order the said new road to be opened and kept in repair in the same manner that other sections of said road are kept in repair, and shall direct the commissioners having made such view and report, to be paid for their services out of the county treasury, such compensation as the said board may deem reasonable and just; and when the said new road shall be so opened and made convenient for travellers, the said board shall order the old road to be vacated. But if the said commissioners so appointed, shall on such view of the established and proposed road, find that justice and the public good do not require the proposed change, they shall report the fact so found to the board of county commissioners, and the persons who shall have made the application for the proposed change, shall pay to the commissioners, having so viewed said road, such compensation for their services, as the said board of county commissioners shall deem just and reasonable.

SEC. 3. That objections to changing any state road, public road or highway, may be made in the manner prescribed by the act entitled, "an act for opening and repairing public roads and highways," approved February 10, 1831, for objections to the opening of public roads and highways, and similar proceedings shall be thereon had, and like divisions made, and damages and costs awarded thereon.

SEC. 4. That when any state road shall be changed so that the alteration shall extend into different counties, the allowance made to the commissioners, surveyor, chain-carriers and markers, who shall have been engaged in making such alteration, shall be paid out of the county treasuries of the counties in which such alterations shall have been made, in proportion to the length of the alteration made in such counties; and the boards of county commissioners shall order so much of the said alterations as is situated in their respective counties to be opened and kept in repair in the same manner that other sections of said state road are kept in repair.

SEC. 5. That all state roads located or changed by the

authority of any act hereafter passed by the General Assembly, shall be located, changed and opened at the expense of the persons applying for the location or change.

SEC. 6. That the portion of the three per cent. fund, set apart by the 52nd section of "an act to appropriate part of the three per cent. fund and for other purposes," approved February 10, 1831, to the counties thereafter to be formed, be, and the same is hereby appropriated to the counties for which the same was intended, and shall be drawn and expended in the same manner, as other counties are authorized to draw and expend their portion of the fund aforesaid, by the act aforesaid; except the sum of one hundred dollars hereby appropriated to the county of La Porte; which sum of one hundred dollars, shall be drawn and expended on the state road leading from Lafayette to the mouth of Trail creek, on Lake Michigan, by the commissioner on said road.

SEC. 7. That so much of the act entitled, "an act for opening and repairing public roads and highways," approved February 10, 1831, as comes within the purview of this, be, and the same is hereby repealed.

CHAPTER LXXXIX.

An Act for the relief of John Alloway, John Harvey, and Archibald McEwen.

[APPROVED, FEBRUARY 2, 1832.]

WHEREAS. It is represented to this General Assembly, that John Alloway was appointed a commissioner, for the purpose of removing the drift-wood, clearing out snags and other obstructions from the east fork of White river, commencing at the north line of Shelby county, and from thence to the junction of the same, with the west fork of White river, pursuant to the eighth section of "An act to improve the navigation of certain rivers in this state," approved January 24th, 1828. And whereas, it appears, that a suit was afterwards instituted in the Bartholomew circuit court, by Samuel Merrill, the treasurer of state, on the bond which had been executed by said Alloway as such commissioner, and by John Harvey, Archibald McEwen, and Newton C. Jones, of Bartholomew county aforesaid as his securities, against the said Alloway, Harvey and McEwen, the said Newton C. Jones having previously departed this life: And whereas, owing to some informality in the proceedings of said Alloway as such commissioner, and to his having in his hands unexpended, forty-three dollars and thir-

Applicants to legislature, shall open road at their own expense.

Portion of 3 per cent. fund to new counties, how drawn.

Except \$100 to La Porte county.

Repeal.

Preamble.

ty-one cents of the fund by him received as such commissioners, over and above the amount of his vouchers and his personal services, in discharging the duties of his said office—a court of common law not having any power to afford said defendants any relief, or to allow said Alloway any credit for any part of said funds, by him actually expended; said court did thereupon render a judgment against the said John Alloway, John Harvey, and Archibald McEwen, for the full amount of said bond, to be discharged on the payment of the full amount of the funds so by said Alloway received, and interest thereon, to the great injury and oppression of the said defendants: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the amount of the judgment in favor of Samuel Merrill, treasurer of state, as plaintiff, against John Alloway, John Harvey, and Archibald McEwen as defendants in the Bartholomew circuit court, above more particularly described, be and the same is released and discharged, except as to the sum of forty-three dollars and thirty-one cents, and the costs included in said judgment; for the collection of which last named sum and costs, remedy may be had by execution or otherwise.

This act is to be deemed a public act, and be in force from and after its passage.

CHAPTER XC.

An Act for the relief of Contractors on the Cumberland Road:

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person who is bound by an article of contract to the United States, to make, grade, or construct any part or section, or sections, of the Cumberland road in this state, may, and they are hereby authorized, to shut up, (out) and exclude from travelling thereon, any person or persons, with horses, wagons, or carriages, during the time of their working, making or constructing the same; *Provided,* They shall be authorized by the superintendent of the said road, to exclude or shut up the same; *Provided nevertheless,* That where any public road may cross the same, it shall be always kept open, and free to all travellers, or where any public road may have been located or opened, where the Cumberland road now passes, the said contractor or contractors shall be bound to make a road or pass-way for travellers, &c. before he shall shut up said Cumberland road.

Contractors may exclude travelling until road is made.

Proviso.

Proviso.

SEC. 2. *Be it further enacted,* That it shall be the duty of any justice of the peace, on the complaint of any contractor or contractors as aforesaid, by oath or satisfactory testimony, to cause to be brought before him, any person or persons so offending, and fine them in any sum not exceeding three dollars.

Penalty for violating.

CHAPTER XCI.

An Act granting relief to the Contractors on the Michigan Road.

[APPROVED, JANUARY 31, 1832.]

WHEREAS, by reason of the inclemency of the weather, the extreme severity of the early part of the winter, and the unfavourable rains in the latter part of the summer and autumn, which rendered it impossible, without great sacrifice to the contractors and sub-contractors on the Michigan road, to finish their contracts by the 30th of November, 1831; Therefore,

Preamble.

Be it enacted by the General Assembly of the State of Indiana, That the contractors and sub-contractors on said road, be, and they are hereby allowed the further time of seven months, from and after the said thirtieth day of November, 1831, to complete their said contracts.

Further time of seven months given.

This act to be in force from and after its passage.

CHAPTER XCII.

An Act for the relief of Samuel Smith.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of the county of Owen, be, and the same is hereby authorized and required, to change the venue in a certain cause now pending and undetermined in said court, wherein the state of Indiana is plaintiff, and Samuel Smith is defendant, on an indictment for larceny, to the circuit court of Putnam; *Provided,* That application be made to the circuit court of Owen county for such change, by said defendant or his counsel.

Change of venue granted to Putnam county.

SEC. 2. On such change of venue being taken, the circuit court of Putnam county aforesaid, shall have the same jurisdiction to try said cause, as if the supposed offence in said indictment mentioned had been committed by said de-

Papers shall be forwarded to Putnam county.

feudant in the said county of Putnam, and also full power and authority to summon and recognize witnesses, and to do and perform all other things proper and necessary for the trial of said cause.

Jurisdiction to Putnam circuit court.
SEC. 3. The papers in said cause shall be forwarded by the clerk of the county of Owen, to the clerk of the county of Putnam, upon such change of venue being taken, in the same manner, and under the same regulations as are prescribed in an act entitled, "An act prescribing the mode of changing the venue," approved, January 28th, 1824.

This act to take effect and be in force, from and after its passage.

CHAPTER XCIII.

An Act for the relief of John Jones.

[APPROVED, FEBRUARY 2, 1832.]

Preamble.

WHEREAS, John Jones, of Bartholomew county, stands indicted in the Bartholomew circuit court, for the crime of having murdered John Ray, within said county of Bartholomew; *And whereas*, said Jones has petitioned this Legislature, to grant him a change of venue in said case, for remedy whereof.

Change of venue to Johnson county. Proviso.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That said John Jones, be, and he is hereby entitled to a change (change) of venue in the aforesaid case, from the Bartholomew circuit court, to the Johnson circuit court, to be holden in March next; *Provided*, said Jones shall file his written application for such change in the clerk's office of the Bartholomew circuit court, twenty days prior to the sitting of the Johnson circuit court as aforesaid.

Jurisdiction given Johnson circuit court, &c.

SEC. 2. Said Johnson circuit court, shall have the same jurisdiction to try said cause, as if said supposed offence had been committed by said Jones, within the county of Johnson; and also full power and authority to summon and recognize witnesses, and to do and perform all other things necessary and proper in the trial of said cause.

Papers how forwarded.

SEC. 3. The papers in said cause, shall be forwarded by the clerk of Bartholomew county, to the clerk of Johnson county, on such change of venue being taken in the same manner, and under the same rules and regulations, as are prescribed in an act entitled, "An act prescribing the mode of changing the venue," approved, January 28th, 1824.

SEC. 4. And the said county of Bartholomew shall pay

the county of Johnson, for the use of the several persons and officers concerned, all lawful expences and fees that Bartholomew may be incurred in consequence of the trial of the said county shall Jones, and the confinement in the custody of the sheriff of pay fees, &c. Johnson county, which, when allowed by the Johnson circuit court, shall be admitted by the board doing county business of Bartholomew county, and paid by the treasurer thereof.

SEC. 5. This act to take effect and be in force from and after its publication in the *Indiana Journal*, a paper published in Indianapolis.

CHAPTER XCIV.

An Act to authorize John Lang and William Sill, to apply for a writ of ad quod damnum, to erect a mill dam on Tippecanoe river.

[APPROVED, FEBRUARY 3, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That John Lang and William Sill, of the county of Tippecanoe, be, and they are authorized, to make an application to the circuit court of the said county of Tippecanoe, for a writ of ad quod damnum, authorizing the said Lang and Sill to erect a saw and grist mill, upon the lands of said Lang and Sill, situated within the counties of Tippecanoe and Carroll, under the same rules and restrictions as are prescribed in other cases of applications for similar writs, any law or regulation declaring the said Tippecanoe river a navigable and public highway to the contrary notwithstanding: *Provided however*, That this act shall not be so construed, as to permit said Lang and Sill, to erect a dam as aforesaid over said river, without providing a suitable slope or lock in said dam, so as not to injure the navigation of said stream. **May apply to court for writ, &c.** **Proviso.**

CHAPTER XCV.

An Act to amend the act entitled, "An act allowing and regulating the writ of ad quod damnum, within the county of Knox, approved, December 20th, 1823.

[APPROVED, FEBRUARY 2, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of all and every person

Flood gates to be constructed when dams are erected, &c.

or persons, who may have erected mill dams across any stream in Knox county, subject to overflow its banks, to cause good and sufficient flood gates to be constructed in their said dams, if the board doing county business in the county aforesaid, shall deem it necessary, who shall give to the owner or owners of such mill dam or dams, notice in writing of their determination, and reasonable time to construct said flood gates; and when freshets occur in said streams, to cause the water to pass off through the same, so as to prevent the too great accumulation thereof; and if any person shall sustain injury in consequence of the failure of the owner, or occupier of any such mill dam in said county of Knox, to comply with the provisions of this act, such owner or occupier shall be liable to the action of the person, so injured thereby, to recover damages commensurate with the injury sustained, in any court having jurisdiction thereof.

CHAPTER XCVI.

An Act to authorize and require the Seminary Trustee of the county of Ripley, and the Treasurer of the Library of Ripley county, to loan certain monies within their control.

[APPROVED, FEBRUARY 2, 1832.]

Trustee shall report to county board a statement, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Seminary trustee of the county of Ripley, to lay before the board of commissioners of said county, at their May session, a detailed statement of all the money belonging to said Seminary, together with all notes or other obligations for money loaned; a detailed account of which the clerk of said board shall enter on the record book of said board, the time when each note or obligation will become due, the amount thereof, and the name of the person or persons owing the same.

Trustee shall collect and loan the money to the county.

Treasurer of county library shall also loan to county.

SEC. 2. *And be it further enacted*, That it shall be the duty of the trustee aforesaid, as fast as the notes or other obligations alluded to in the first section of this act, become due, to collect the same, and the same to loan to the commissioners of said county, in their corporate capacity, for the use of said county; and it is in like manner made the duty of the treasurer of the library of said county, by and with the consent of the president and trustees thereof, to loan to the commissioners of said county in their corporate capacity, all monies belonging to said library within his control, and which may come to his hands as such treasurer, for the use of said county, at the rate of not less than six per cent. per annum, payable to the said Seminary trustee.

and treasurer of the library, for the use of the Seminary and library aforesaid.

SEC. 3. *And be it further enacted*, That the commissioners of said county, on the receipt of any loan, shall cause the same to be made a matter of record, in the record book of their proceedings, stating in words at full length, the precise sum so received, as also the particular source from which the same had been collected, and paid over by the trustee or treasurer before mentioned; and it shall be the duty of the commissioners of said county, as fast as they receive any money as before mentioned, to apply the same to the payment of any judgment which may have been heretofore rendered against said county, or to the payment of any money that may have been borrowed by said county, as to them may seem most to the interest of said county, or to make any use of the same best calculated to pay the county debt.

SEC. 4. *And be it further enacted*, That the amount of money so borrowed by the said commissioners, and recorded as set forth in the third section of this act, shall constitute a legal obligation on said county of Ripley, and should the said county of Ripley neglect or refuse to refund the several sums for which they may be accountable, to the said Seminary trustee, when the said county Seminary shall be incorporated, then and in that case, the said Seminary trustee shall have a right to commence suit for the recovery of the same, in any court of competent jurisdiction, and to introduce the record of the said board of commissioners as evidence of the obligation created by this act; and the said treasurer of the library, shall be entitled to the same remedy in collecting the library funds that may have been loaned to said county, if not paid when demanded by the trustees thereof, that the trustee of the county Seminary is entitled to for the collection of the Seminary funds; and it is further made the duty of the Seminary trustee, to loan all monies that may hereafter come into his hands, under the same rules and regulations as set forth in the former provisions of this act.

SEC. 5. *And be it further enacted*, That should it appear to said commissioners, that the money in this act contemplated, together with an ordinary revenue, will be sufficient to pay the county debt, then and in that case, it shall not be obligatory on said commissioners to levy a poll tax for county purposes: *Provided however*, That the same shall be discretionary with the commissioners of said county.

SEC. 6. *And be it further enacted*, That should the said Seminary trustee, neglect or refuse to comply with the duties enjoined on him by this act, it shall be the duty of the commissioners to remove him from office, and appoint a suc-

County board shall make a record thereof, &c.

Money to be applied to pay a judgment, &c.

How and when to be refunded.

Suit against the county, for failing to refund.

Further loan by seminary trustee.

If county debt can be paid, poll tax shall not be levied. Proviso.

Trustee and treasurer may be removed.

from office for refusing to loan, &c. cessor; and should the treasurer of the library neglect or refuse to comply with the duties required by this act, the trustees of the said library shall have power, and it is hereby made their duty, to remove said treasurer from office and appoint a successor.

SEC. 7. This act to take effect, and be in force from and after its publication in the Indiana Journal, any law or usage to the contrary notwithstanding.

CHAPTER XCVII.

An Act to amend an act entitled, "An act confirming to John J. Akin, Alexander Walker and John J. Livingston, certain rights," approved, January 6th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

Preamble. WHEREAS, it has been discovered that the act authorizing the trustees of school section in township six, of range number three west, of lands offered for sale at Cincinnati, situate in the county of Dearborn, Indiana, to sell and convey to John J. Akin and others, a certain tract of land therein named, is incorrectly stated, inasmuch as range number one west, is substituted for number three; for remedy,

Conveyance authorized. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees of the said school section be, and they are hereby authorized and required, to carry into effect, the object and intent of the act to which this is a supplement, in all respects as if the same had been correctly stated in the first instance, and the said number three therein inserted in lieu of number one.

CHAPTER XCVIII.

An Act for the benefit of Lawson Brent, William Anderson and others.

[APPROVED, JANUARY 31, 1832.]

Trustees allowed 50 cts. per day in Harrison county. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Lawson Brent, and William Anderson, trustees of school section, town three, and range four, lying in the county of Harrison, be, and they are hereby authorized to retain in their hands, out of any monies belonging to said school section, as a compensation for their services, fifty cents each day, for every days service which

they have rendered, or shall hereafter render in the capacity of trustees.

SEC. 2. That John W. Harrell, Benjamin Goodwin, and Mark Palmer, the former trustees of school section, town two north, range seven west, in the county of Daviess, be allowed fifty cents per day, for each days service rendered as trustees of said school lands, to be paid out of any monies belonging to said school section, and that their successors who now are acting, shall be allowed the same amount per diem, for services which they have rendered, and which they shall hereafter render as trustees, to be paid out of the same fund.

This act to take effect and be in force from and after its passage.

CHAPTER XCIX.

An Act to authorize John Elliott and Isam Pucket, to convey certain property therein named.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Elliott, of the county of Henry, be, and he is hereby authorized to convey, by deed in fee simple, all or any part of the lots in the town of Middletown, that the heirs of Jacob Koonts, deceased, are bound to make, on receiving proper evidence, that the purchasers of said lots have severally paid to the administrators of the said Jacob Koonts, for the benefit of his legal heirs, the sums originally agreed upon between said Koonts and such purchasers, in his life time, and such deed when duly executed according to law, shall have the same effect, as if executed by said Koonts in his life time.

SEC. 2. The said Elliott shall, in all such conveyances, take from the widow of the said Jacob Koonts, deceased, her voluntary relinquishment of dower in said lots.

SEC. 3. Isam Pucket, of the county of Randolph, be, and he is hereby appointed and authorized, to execute in fee simple, three several deeds to certain lots or parcels of land in said county, of which Zachariah Pucket, died seized, and which the said Pucket or his legal representatives are bound to convey, according to the tenor of certain title bonds, made and delivered by, and in the life time of said Zachariah Pucket, and on the production by any claimants, of any bond, satisfactorily ascertained to be such as aforesaid, it shall be the duty of the said Isam Pucket, to execute in due form of law, agreeably to the tenor of such

Relinquish-
ment of dower.

bond, a good and sufficient title to the land so specified, taking from the widow of said decedent aforesaid, her voluntary relinquishment of dower, in and to the same. And said deed, when so executed, shall have the same force and effect, as if executed by the said Zachariah Pucket in his life time.

This act to take effect and be in force from and after its passage.

CHAPTER C.

An Act for the relief of Jacob Whiting.

[APPROVED, FEBRUARY 2, 1832.]

May continue
mill dam.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Whiting, of Marion county, be permitted to keep his mills in operation on White river, about nine miles above Indianapolis, so long as the height of his dam does not impede or obstruct the navigation of said stream, and until the obstructions are removed at the broad ripple, immediately below said dam, so that water crafts can pass and re pass the same.

Shall be liable for damages &c.

SEC. 2. That if the said dam should ever obstruct or injure the passage of any water craft, passing or re passing the same, the said Whiting, his heirs and assigns, shall be subject to the same pains and penalties of the law, as persons are, who obstruct the bed of any stream which has been reserved from sale by the United States; and also, the said Whiting, his heirs or assigns, shall be personally liable, to each and every individual who may receive injury in consequence of said dam. And the said mill and the premises whereon it is or may be erected, shall be, and remain subject to be sold for any such damages sustained, in whosoever possession the same may be found.

Mill made
subject to sale
for damages.

CHAPTER CI.

An Act to legalize the proceedings of David Miller.

[APPROVED, JANUARY 31, 1832.]

Preamble.

WHEREAS, by an act of the General Assembly of this state, approved February 10th, 1831, entitled, "an act for the re-location of the county seat of Elkhart county," David

Miller of St. Joseph county, was appointed one of the commissioners to re-locate the seat of Justice of Elkhart county, whose name was omitted in the printing of said act; for remedy whereof,

Be it enacted by the General Assembly of the State of Indiana, That the proceedings of David Miller, be, and the same are legalized, so far as they would have been if his name had been printed in the aforesaid act. Proceedings legalized.

CHAPTER CII.

An Act for the relief of Curtis Smith.

[APPROVED, JANUARY 31, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of congressional township number twenty-three, of range six west, in the county of Warren, are hereby authorized to make Curtis Smith such allowance for improvements which he has heretofore made, on the sixteenth section in said township, as the said trustees shall deem just and reasonable, to be paid out of any monies arising from the sale of the lands on which said improvements are situated; the trustees in making such allowance, shall take into consideration the value of the improvements, the time the said Curtis Smith has enjoyed the benefits thereof, and the waste of timber, (if any) by him committed on the premises: The allowances so made shall be paid by the school commissioner of Warren county, on the order of the trustees of said township, out of the proceeds of the sale of said land: *Provided, however*, That the allowance so made, shall not reduce the proceeds arising from the sale of said lands, on which said improvements are situate, below one dollar and twenty-five cents per acre. Trustees of c. township No. 23, &c. shall allow for improvements, &c.

SEC. 2. That if the above-named section shall not have been sold at the time of the taking effect of this act, it shall and may be lawful for the trustees of said township, to lease to the said Curtis Smith, his improvement on said section, for any term of time not exceeding four years, in lieu of the compensation authorized in the first section of this act. Provided. If land be not sold, the trustees may lease to Smith.

This act to take effect and be in force from and after its passage.

CHAPTER CHL.

An Act for the relief of John Ferguson.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Bowland, commissioner of the Seminary township in Monroe county, be, and he is hereby fully authorized and empowered, to receive from John Ferguson, assignee of Levi Thatcher and John Nichols, any sum or sums of money, which now is or hereafter may be due, on the east half of south-east quarter of section number sixteen, and the west half of the south-east quarter of section number sixteen, of the seminary township in Monroe county, and receipt therefor; and be governed in all respects whatever, by the provisions of an act entitled, "an act concerning the seminary townships of land in Gibson and Monroe counties," approved January 25, 1827.

SEC. 2. Whenever said Ferguson shall have made full payment to said commissioner, of all monies due and in arrears on the premises herein mentioned, he shall be as fully and as amply, to all intents and purposes whatever, vested with the same rights, privileges and immunities, as though the same had been paid agreeably to the provisions of the above recited act.

This act to be in force from and after its passage.

CHAPTER CIV.

An Act to provide for the erection of a State House.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Noah Noble, Samuel Merrill and Morris Morris, be, and they are hereby appointed commissioners, to superintend the erection of a State House, on the square designated for that purpose, in the town of Indianapolis, and that they, or any two of them, shall have full power to make all necessary arrangements and contracts, either parol or written, which may be required or necessary to carry into effect the intentions of this act.

SEC. 2. That all contracts made by said commissioners, shall be in the name of the state of Indiana, and all bonds or covenants taken by them, shall be in the name and payable to the state of Indiana, and with such condi-

tions, penalties and sureties, as said commissioners may deem just and reasonable.

SEC. 3. That it shall be lawful for said commissioners to employ some competent architect, to assist in the collection of materials, and the construction of said building, which architect shall be the active superintendent, and shall have the direction of all things thereunto belonging, or connected with the erection of said building, acting, however, at all times, under the general direction of said commissioners; and they may contract for the employment of such other persons, to assist in the same, as they may deem necessary and proper, and allow such compensation to those contracted with, or to those employed, as they may deem just and reasonable, or they may contract with some competent architect, at such price or prices, and to make such payments, not contrary to the provisions of this act, as they or a majority of them may agree upon, to erect, finish and complete, in every part thereof, the building aforesaid, as to them may appear most likely to promote the public good.

SEC. 4. That the commissioners aforesaid, in pursuing either of the courses as aforesaid, in the erection of said building, shall confine themselves as near as practicable, to the plan adopted by a joint resolution of this General Assembly, and the specifications accompanying the same, making such alterations only, as to them may appear necessary and proper, without materially enlarging on the original design.

SEC. 5. That no contract shall be entered into by the commissioners aforesaid, the compliance with which, on the part of the state, will require any money to be paid in advance, nor shall any contract be made, requiring any payment beyond two thirds of the value of the materials actually delivered, at any time, on the ground, and inspected, until the whole contract is complied with, on the part of the person or persons so contracted with; nor shall any contract be made requiring payment for more than two thirds of the value of the labour, from time to time actually done on said building, by any one or more persons, accordingly, as one or more persons may be contracted with, to assist in said work, until the person or persons so contracted with or employed, shall have complied with their engagements; except in cases of contingencies growing out of the minor duties of said commissioners, or, in cases where it may be for the interest of the state to send for materials at a distance, which cannot otherwise be as well procured: *Provided*, that should the commissioners aforesaid deem it expedient to let the entire contract to some architect, they shall observe the same rules of payment, as

Architect and his duties.

Other assistants.

House to be erected on the plan, &c.

Payments to contractors restricted.

Proviso.

is provided for in this section, so far as relates to labor done on said building, and they shall retain the amount so reserved, until the building shall have been finally completed, examined and received, by a committee of five members, on the part of each House of the General Assembly, at their next session after the finishing of said building; but they may direct the payment of the entire value of the materials, so far as they may be actually delivered on the ground, from time to time, and approved of by said commissioners.

Commissioners shall see that work, materials, &c. are good.

Forfeiture for failure to comply with contract.

\$21,000 appropriated.

Donation lands pledged &c.

Proviso.

SEC. 6. That it shall be the duty of the commissioners aforesaid, to see that the work is executed in a faithful and workmanlike manner, and that good and substantial materials are used and employed therein; and they, or a majority of them, shall have full power to suspend the receipt of any materials, or the progress of the work, where such materials are not of a quality or kind contracted for, or where the work is not done in the best manner; and moreover, such contractor or contractors, or persons employed, shall forfeit the amount reserved by the commissioners, as is provided for in the fifth section of this act; and shall be further liable to such damages, as any court having competent jurisdiction may allow, in an action to be brought in the name of the state of Indiana for that purpose.

SEC. 7. That to enable the commissioners aforesaid, to make all necessary arrangements and contracts, at an early period; to collect and prepare all necessary materials for the building aforesaid, and to insure such a commencement of the same, as will enable the commissioners aforesaid, to have it fully completed, on or before the first day of November, eighteen hundred and thirty-eight; the sum of eighteen thousand dollars, including three thousand dollars heretofore appropriated for the commencement of a state house, be, and the same is hereby appropriated for the purposes aforesaid, out of any monies which have arisen, or may hereafter arise, out of the rents, sales or other proceeds of the lands donated to the state of Indiana, for a permanent seat of government, and not otherwise appropriated. And to enable the state more fully to provide for all future appropriations, which may be necessary during the progress of the work, all the monies which have arisen or may hereafter arise out of the lands as aforesaid, be, and the same are hereby set apart and reserved for the purposes aforesaid, and for no other purpose, except so far as may be necessary to defray the contingent expenses of collecting the same: *Provided*, that on no contract entered into for the erection of said building, or for procuring materials or work, shall payment be engaged to be made earlier than as the monies accrue from the Indianapolis fund; nor shall

the whole cost of such building, together with the enclosure of the square, be contracted to exceed sixty thousand dollars. Whole cost limited to \$60,000.

SEC. 8. That all claims growing out of, or in any wise pertaining to the commencement and progress of the building aforesaid, shall be audited by the auditor, and paid by the treasurer, in the same manner that other claims are audited and paid: *Provided*, that said commissioners, or a majority of them, shall have certified to the correctness of such claims. Claims shall be audited. Proviso.

SEC. 9. That all duties required of the commissioner appointed to superintend the commencement of a State House, and which remain unfinished, be, and they are hereby transferred to, and made a part of the duties of the commissioners aforesaid, and that so much of the "act to provide for the commencement of a State House," approved, February 10th, 1831, as comes within the purview of this act, be, and the same is hereby repealed. Duties of commissioner heretofore appointed, transferred.

SEC. 10. That the commissioners aforesaid, shall cause all materials, received under contracts heretofore entered into by the commissioner appointed for that purpose, to be used in the construction of said building, and shall, if they contract with one person for finishing the entire building, deliver to the architect so contracted with, all materials received as aforesaid, at the price or prices which they have cost the state, which materials, when so delivered, shall be in part payment of the amount agreed upon with such architect, for completing the building as aforesaid. Materials on hand to be transferred to contractor.

SEC. 11. That the commissioners aforesaid, shall make a full report of their proceedings annually, to the Legislature, during the first week of its session, and accompany with such other information as may be deemed necessary. Report to General Assembly annually.

This act to take effect and be in force from and after its passage.

CHAPTER CV.

An Act supplementary to an act, "to authorize the agent of the state, for the town of Indianapolis, to lay off the land belonging to the state into lots, and offer the same for sale," approved, February 9th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the agent of state, shall cause to be re-surveyed if necessary, all the lots and blocks in the town of Indianapolis, which have not been heretofore reserved for special purposes. Re-survey authorized.

Minimum price, how fixed. **SEC. 2.** So soon as said lots are surveyed, the agent with the commissioners appointed to superintend the erection of a State House, shall examine the same, and fix upon each a minimum price, taking into consideration the anticipated value of such as may be affected by the erection and completion of the State House, below which they shall not be sold; and make out a list of said lots with the prices affixed, which shall be recorded by the agent in the books of his office.

Let to be recorded. **SEC. 3.** The agent shall offer for sale to the highest bidder, on the first day of the next supreme court, and from day to day thereafter, until all are offered for sale, the several lots and blocks above authorized to be sold, or so many thereof as are now unsold, on the same terms, conditions and restrictions, as are contained in the fifth and sixth sections of the act to which this is a supplement; *Provided*, That when any crop is growing on such square or lot at the time of sale, the purchaser thereof shall be entitled to possession as soon as a reasonable time transpires for the occupant under the state, to gather such crop at the usual season.

Private sales authorized. **SEC. 4.** If any lot or block shall remain unsold, after having been offered at public sale, the agent is authorized to dispose of the same at private sale, at any time thereafter at the minimum price, on the same terms and conditions, as above specified; and if two or more persons apply for the same lot, at the same time, said agent shall sell such lot to the highest bidder.

Pre-emption right allowed to certain occupants. **SEC. 5.** Where improvements have been made on any lots, leased blocks or squares, the value of which shall be equal to one half of its original unimproved value, the agent of state is authorized to sell such lot or block to the owner of such improvement at valuation, on payment being made in hand, or the same secured by bond and approved security, to the acceptance of such agent, in three equal annual instalments after such sale.

Reserved lots to be sold. **SEC. 6.** If any lots or parts of lots mentioned in the act to which this is a supplement, were reserved from sale, in consequence of unexpired leases, said agent may offer the same for sale, in the same manner as is prescribed by this act.

Notice of sale. **SEC. 7.** The agent shall give two months notice of the time, place, and terms of the sale of said lots and blocks in the newspapers published in the town of Indianapolis.

This act to take effect and be in force from and after its passage.

CHAPTER CVI.

An Act to authorize and legalize certain proceedings of the board of Commissioners of Union county.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Union county, be, and they are hereby authorized and required, on the first Monday of May next, or at some convenient time thereafter, before the first Monday of August next, to lay said county off, in commissioners districts, agreeably to the provisions of the eleventh section of the act to regulate the mode of doing county business in the several counties in this state, approved, January 19th, 1831.

SEC. 2. That from thenceforth, the said county of Union, shall, in all respects be governed by the above recited act; and that the proceedings of the said board of commissioners of Union county, from the time they should have districted said county, until the said first Monday of August next, be as legal as though the same had been districted agreeably to the provisions of said act.

County board shall lay off county into districts, &c.

Act of January 1831, declared in force and proceedings legalized.

CHAPTER CVII.

An Act to authorize the agent of state, for the town of Indianapolis, to lease a certain square to the board of Trustees, of the county Seminary, of Marion county.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the agent of state for the town of Indianapolis, is hereby authorized and empowered, to lease for the term of thirty years, to the board of Seminary trustees, of the county of Marion, square numbered twenty-five, in said town, which has been heretofore reserved from sale, for the use of a state University; upon condition that said board shall enclose the same, with a suitable fence, and they or their successors in office, return the same in good repair, at the expiration of the term aforesaid.

SEC. 2. And the said trustees and their successors in office, are hereby further permitted, to erect and build a county Seminary, and other necessary buildings appurtenant thereto, on the south east or south west corner of said square, and the said state may at the expiration of the said term, if she should wish to use the square for the purpose for

Agent shall lease, &c.

Condition.

Trustees shall erect county seminary, &c.

State may take buildings at value, &c.

Proviso.

which it was reserved, take the buildings erected thereon, at a valuation to be fixed by disinterested persons, to be by her appointed, or may sell the said square to said board or their successors in office, at a price to be fixed as aforesaid; *Provided however,* That if the state should wish to appropriate the said square, to the use for which it was reserved, before the expiration of said term; she may at her option, either sell one half acre, to be laid off in a suitable form, so as to include the Seminary and other buildings, to the said trustees, at a price to be fixed by disinterested persons, to be appointed by the state, or may permit the said trustees for the purposes aforesaid, to use and enjoy said one half acre, to the full end of the aforesaid term.

This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

An Act regulating the sales of the Canal Lands, and for other purposes.

[APPROVED, JANUARY 31, 1832.]

Lands, how classed and rated.

To be entered in tract book.

Sales, when and how made.

Unsold lands subject to entry, and terms thereof.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the board of canal commissioners, to divide the canal lands, which are now unsold and set apart for the use and in possession of the state, into three classes, according to their value, reference being made to soil and locality of situation; the first class to be rated at three dollars and fifty cents, the second at two dollars and fifty cents, and the third class at one dollar and fifty cents per acre; the classing and rating to be made previous to the first Monday of August next, and the rate and value of each tract to be entered in the tract books of the canal lands, a copy of which shall be deposited with the secretary of state, whose duty it shall be to enter the same in the tract books of his office; and in all future sales, no tract of said lands shall be sold for a less sum than the value so affixed and designated.

SEC. 2. The public sale of the canal lands shall be commenced on the first Monday of October, 1832, instead of the first Monday of April, and the sales shall be made under the provisions of the law now in force, relating to the sales of the canal lands, except such portions of them as are or may be repealed by the passage of this act.

SEC. 3. So soon as all the lands classed as aforesaid, shall have been offered to the highest bidder, at the sale aforesaid; the residue which shall then remain unsold, shall

be subject to entry, and may be sold to any purchaser applying for the same, at the rate for which any tract shall have been entered, and classed on the tract books of said lands; the purchaser to pay such portion of the purchase money, to have such credit extended for a part of the same, and in every respect to be subject to the provisions of the laws relating to the sales of the canal lands, as if the purchase were made at public sale, instead of private entry.

SEC. 4. Immediately after the close of the public sale in October next, the canal commissioners, shall open an office for the sale of the canal lands, which shall be kept open from nine A. M. to three P. M. each day, Sundays excepted, by one of the canal commissioners, who shall be appointed by the board from time to time for that purpose, and under such regulations as the board of canal commissioners shall adopt; and the commissioner having charge of said office, shall be competent to execute to purchasers, such certificates and receipts as shall be necessary for proper acquittances or vouchers for the cash received, on account of any tract or tracts of land, which may have been or shall be sold.

SEC. 5. The canal commissioners at the time of rendering their quarterly reports, shall pay over to the commissioners of the canal fund, all such sums of money as shall have been received on account of the sales of lands, interest or principal, during the time included in the report; and also to transmit to the secretary of state, an abstract statement of the tracts sold, and the purchasers names, to be by him entered on the tract books and maps of the canal lands.

SEC. 6. The board of canal commissioners are hereby authorized at their discretion, to employ an engineer, and such assistants as they shall deem necessary for the construction, superintendence, and preservation of said canal.

SEC. 7. The canal commissioners are also authorized and directed to make a commencement of some portion of the middle section of the Wabash and Erie canal, previous to the second day of March next.

SEC. 8. So much of the provisions of the laws, relating to the canal lands, or sales thereof, or any other laws, as come within the purview of this act, be, and the same are hereby repealed.

SEC. 9. This act and the act of the present General Assembly, entitled "An act supplemental to an act, providing means for the construction of the Wabash and Erie canal," to be in force from and after their publication in the *Indiana Journal*, printed at Indianapolis.

Commissioners shall open an office, &c.

Duties of land officer.

Canal commissioners shall pay over to fund commissioners &c.

Abstract of sales to be forwarded to secretary of state.

Engineer, &c.

Commencement of canal

Repeal.

CHAPTER CIX.

An Act to amend an act entitled, "An act to continue in force, an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the Court House at Lawrenceburgh, on the morning of the 6th of March, 1826," approved, January 29th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

Recorder to be paid by the county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the fees of the recorder of Dearborn county, as a compensation for services enjoined on him by the provisions of said act, shall hereafter be paid out of the county treasury of said county, instead of persons making application for such services, having to pay the same.

SEC. 2. That so much of the second section of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

CHAPTER CX.

An Act to repeal an act entitled, "An act to repeal an act therein named," approved, January 29th, 1831, and for other purposes.

[APPROVED, JANUARY 31, 1832.]

Act repealed and one revived.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to repeal an act therein named" approved, January 29th, 1831, be, and the same is hereby repealed; and that the act entitled "An act to locate a state road from Evansville to Anthony's ferry," approved, January 25th, 1830, be, and the same is hereby revived.

Bridge across Big Pigeon, &c.

SEC. 2. That the commissioners of the county of Vanderburgh, be, and they are hereby authorized to appropriate and apply the money heretofore appropriated for building a bridge across Big Pigeon, where the Fredonia road crosses the same, to the building a bridge across Big Pigeon creek, at such place as they may deem most expedient; said money to be expended under the direction of such person as the said county commissioners may appoint.

Repeal.

SEC. 3. That so much of the 50th section of an act entitled "An act to appropriate part of the three per cent. fund, and for other purposes," approved, February 10th, 1831, as provides for building a bridge across Big Pigeon, where the Fredonia road crosses the same, be, and the same is hereby repealed.

CHAPTER CXI.

An Act to change the name of Jamestown, in Montgomery county to Carrollton.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town now known by the name of Jamestown, laid off and situated on section eight, in township seventeen, north of range three west, in the county of Montgomery, be, and the name of the same is hereby changed, and shall hence be known and designated by the name of Carrollton; *Provided,* That the existing rights of any person or persons concerned therein shall not be impaired by the change aforesaid, but shall be as available in law and equity as if no change had taken place.

SEC. 2. The recorder of the county of Montgomery, is hereby authorized to so alter the record of the plat of said town, as to make it accord with the change contemplated in this act.

SEC. 3. That the name of the town of Troy, in the county of Switzerland, be changed to that of Patriot: nothing in this act shall operate to affect any vested right, or infringe any contract in any way whatever.

This act to be in force from and after its publication.

CHAPTER CXII.

An Act legalizing the proceedings of the board of Commissioners of St. Joseph county.

[APPROVED, JANUARY 31, 1832.]

WHEREAS, it has been represented to this General Assembly, that there were three justices of the peace elected in the county of St. Joseph, to transact county business, two of whom shortly afterwards removed from said county, and thereby the said board became vacant; and that agreeably to an act, approved, January 19th, 1831, regulating the mode of doing county business in the several counties in this state, there were three commissioners elected without regard to districting, who have since laid the same off in commissioner districts; Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the election of said commissioners, and all proceedings relating thereto in St. Joseph county, and the proceedings of said board, so far as relates to laying off the same in districts, be, and the same are hereby legalized.

CHAPTER CXIII.

An Act for the more permanently establishing the line dividing the counties of Vermillion and Warren.

[APPROVED, FEBRUARY 3, 1832.]

Commissioner to be appointed, and his duties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boards doing county business in Vermillion and Warren counties, be, and they are hereby authorized to appoint one suitable person in their respective counties, to examine and mark the line, between said counties, by an actual survey; and make out their report, under their hands and seals, describing the commencement and termination of said line.

Report to county board and general assembly.

SEC. 2. That said persons appointed as aforesaid, shall forward their proceedings to the boards in each county, and the clerk of each county shall seal up and transmit to the speaker of the house of representatives of the next General Assembly, a true copy of their proceedings as returned by the said persons appointed as aforesaid.

Compensation.

SEC. 3. The boards doing county business as aforesaid, shall respectively make the persons thus employed, such compensation as they may deem just and reasonable, together with all necessary expences by them incurred, to be paid out of the county treasury of the counties aforesaid.

This act to take effect and be in force, from and after its passage.

CHAPTER CXIV.

An Act providing for draining the Swamps, Ponds, Marshes, and other low lands within the Counties of Tippecanoe, Montgomery, Clinton, and Warren.

[APPROVED, FEBRUARY 3, 1832.]

Application for a drain through the land of another, how made to J. P.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons owning or possessing any swamps, bogs, meadow, ponds, or other low lands lying in the counties of Tippecanoe, Montgomery, Clinton, and Warren, who shall be desirous to drain such land, and who shall deem it necessary in order thereto, that a ditch or ditches should be opened through lands belonging to other persons, in case the owners of any such lands shall refuse to permit the opening of such ditch or ditches through the same, may apply to any justice of the peace residing in the township where such lands shall lie, for such summons as is herein specified.

SEC. 2. The justice to whom such application shall be made, shall thereupon issue a summons directed to any constable of the said township, requiring him to summon twelve respectable freeholders, who are not interested in the said lands, nor in any of them, nor in any wise of kin to either of the parties, to be and appear on the premises, at a certain time to be specified in such summons, not less than ten nor more than twenty days from the date thereof; the said summons shall also direct the constable to give at least six days notice to the owner of such lands, of the time at which such jury are to appear.

J. P. shall issue a summons, and require for a jury to assess damages, &c.

SEC. 3. The constable to whom such summons shall be delivered, shall execute the same, by summoning such jurors in the same manner and with the like authority as upon venire issued in causes pending before justices of the peace; and shall in like manner, make return thereof, and of the fact of his having given the notice therein required.

Constable shall serve the process, &c.

SEC. 4. The justice shall attend at the time and place specified in the summons; and if it appear that due notice has been given as required in the summons, and if twelve freeholders as above specified, shall then and there appear, he shall administer to each of them an oath or affirmation, well and truly to examine and certify, in regard to the benefit or damages which will result from the opening of the said ditch or ditches.

J. P. shall attend and swear jury.

SEC. 5. The person applying to have such ditch or ditches opened, shall then deliver to the jury a map of the land through which the same are to be opened, on which map the plan, length, width, and depth of such ditch or ditches shall be particularly designated; the jury shall personally examine and hear any reasons that may be offered in regard to the question submitted to them, and they may, if they think proper, vary the plan or dimensions of any ditch so proposed to be opened, but in such case they shall designate on the said map the alterations made by them.

Applicant shall deliver a map of land to jury, &c.

SEC. 6. If, after taking all the circumstances into consideration, the jury shall be satisfied that the opening of such ditch or ditches, is necessary and proper, they shall so certify by inquisition in writing; and if so satisfied, they shall further certify by such inquisition that the benefit which will accrue to the owner of the lands from the opening of such ditch or ditches, will or will not be equal to the damages, the jury shall assess the damages which in their judgment will be sustained therefrom by such owner, and certify the same in like manner; every such inquisition shall be signed by all the jurors and delivered to the justice.

Jury may vary the place, &c.

Inquisition how made and certified.

SEC. 7. Upon the payment of the damages, by the person making the application, so assessed by the jury, and the costs of such assessment, or if no damages shall have

On payment of damages &c. ditch

may be opened. been found by them, upon payment of the costs of the proceedings, and the delivery of the certificate of the jury to the justice, it shall be lawful for the person applying for such summons, to enter with his servants, teams, carriages, and other necessary implements upon such lands, and then and there cut and open such ditch or ditches as were designated on said map, according to the plan and dimensions therein specified and adopted by the jury, not deviating materially from such dimensions.

Right to repair ditch, &c.

SEC. 8. After such ditch or ditches shall have been opened, it shall be lawful for such applicant, his heirs and assigns, forever thereafter, from time to time, as it shall become necessary, to enter upon the lands through which such ditch or ditches shall have been opened, for the purpose of clearing out and scouring the same, and then and there to clear out and scour the same, in such manner as to preserve the original length, depth, and width thereof.

Penalty for obstructing ditch, &c.

SEC. 9. Any person who shall dam up, obstruct, or in any way injure any ditch or ditches so opened, shall be liable to pay to the person owning or possessing the swamp, bog, meadow, pond, or other low land, for the draining of which such ditch or ditches shall have been opened, double the damages that shall be assessed by the jury for such injury; and in case of second offence by the same person, treble such damages.

Inquisition to be filed by J. P. in clerk's office.

SEC. 10. The justice before whom any proceedings shall be had under this title, shall cause the map delivered by the applicant, and the inquisition by the jury, which he shall certify to have been taken before him, to be filed in the office of the circuit court of the counties of Tippecanoe, Montgomery, Clinton, or Warren, as the case may be, to be kept in the said office, as a record of the proceedings between the parties.

This act to be in force from and after its publication.

CHAPTER CXV.

An Act to legalize the Election of Trustees for the Presbyterian Congregation in the town of Evansville.

[APPROVED, JANUARY 31, 1832.]

Preamble.

WHEREAS, it is represented to this General Assembly, that on the tenth day of June, 1831, and at a meeting of the Presbyterian congregation, in the town of Evansville, three trustees for said congregation were duly elected, by virtue of an act entitled, "An act for the appointment

of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or Masonic Lodges," approved, February 10th, 1831, but neglected to have a certificate of said election recorded in proper time according to law. Therefore,

Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the said Presbyterian congregation in the town of Evansville, to cause a certificate of trustees to be deposited with the recorder of the county of Vanderburgh, whose duty it shall be to record the same, and when recorded, it shall have the same effect, as if the same had been recorded in proper time, according to the provisions of the above recited act; and all proceedings and acts of the said trustees, be, and the same are hereby legalized, and shall have the same force and effect, as if the said certificate of election had been recorded in proper time; *Provided*, That said certificate shall be deposited with the recorder aforesaid, on or before the first of August next.

Certificate of election to be filed, &c.

Proceedings legalized.

Proviso.

This act to take effect and be in force from and after its publication.

CHAPTER CXVI.

An Act to amend the act entitled "An act, respecting Salines and Saline reserves," approved, February 4th, 1831.

[APPROVED, JANUARY 31, 1832.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Henry Young, of the county of Washington, is hereby appointed superintendent of the two Saline reserves in the county aforesaid, known by the name of Royse's lick and Rock lick, who, previous to entering upon the duties of his said appointment, shall give bond and freehold security, to the state of Indiana, to be approved of by the clerk of the circuit court of said county, in the penalty of two hundred dollars, conditioned as is provided in the seventh section of the act to which this is an amendment.

Superintendent of Royse's lick and Rock lick.

Bond.

SEC. 2. The superintendent of the said reserves, as also the superintendent of the French lick reserve, in the county of Orange, shall have power, and are hereby respectively authorized to lease by quarter sections or less quantity, for any term not exceeding ten years, by private contract or otherwise as they may find most advantageous to the said reservations, for the best price that can be had in cash, payable annually on the first day of January in each year;

Reserves how leased.

and at the same time, it shall be the duty of said superintendent, to take of such lessee or lessees, bond and sufficient security for the punctual performance of their contracts, which shall provide for the due payment of the rent, for preventing the waste of timber, making repairs, and for the peaceable surrender of the premises at the end of the term: *Provided*, That if Congress shall authorize any or all of the above named reserved lands to be sold, then, and in that case, all leases given on such lands, shall cease and be void; *Provided further*, That if any of the lessees shall have any grain growing on such lands, at the time of such sale of lands, they shall have power to take care of the same, and gather all such grain in the same manner they could have done if such land had not been sold.

SEC. 3. Any lessee of any part of the said reservations, who shall have punctually paid up to such superintendent the full amount of his rent for the preceding year, at the time the same shall have become due as mentioned in the preceding section of this act, and shall have procured such superintendent's receipt in full therefor, shall be entitled to the preemption right to lease the same for the next ensuing year, if he should wish so to do; *Provided*, That at the time of making such payment, he shall give to such superintendent notice of his intention; *Provided also*, That such superintendent is hereby fully authorized to stipulate with any such lessee, that the amount of the rents, so accruing, or such part thereof, as the said superintendent may deem requisite, shall be laid out and expended in making necessary improvements on such lease or leases; and in all other respects the said superintendents shall govern themselves by the provisions of the act to which this is an amendment.

SEC. 4. All acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

This act shall take effect and be in force from and after its publication in the Indianapolis Journal, published at Indianapolis.

CHAPTER CXVII.

An Act for the formation of the county of Lagrange.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of April next, all that tract of country included in the following boundaries, shall form and constitute a new county, to be known and designated by the name of the county of La-

grange, to-wit: beginning at the north east corner of Elkhart county, thence running east with their northern boundary, to the range line, between eleven and twelve, thence south sixteen and a half miles, thence west to the eastern boundary of Elkhart county, thence north with said boundary, to the place of beginning.

SEC. 2. That the new county of Lagrange, shall from and after the first day of April next, enjoy all the rights and privileges, benefits and jurisdictions, which to separate or independent counties, do, or may properly belong or appertain.

SEC. 3. That Lewis G. Thompson, and Francis Comporit, of the county of Allen, and N. B. Griffith of the county of St. Joseph, Peter Noland, of the county of Delaware, and William Watt of the county of Union, be, and they are hereby appointed commissioners, agreeably to the act entitled, "An act fixing the seats of justice, in all new counties hereafter to be laid off." The commissioners aforesaid shall meet on the second Monday of May next, at the house of Moses Rice, in said county of Lagrange, and shall immediately proceed to discharge the duties assigned them by law; and it shall be the duty of the sheriff of Allen county, to notify said commissioners, either in person or by writing of their appointment, on or before the fifteenth of April next, and for such service, he shall receive such compensation as the board doing county business in said county of Lagrange, may, when organized, deem just and reasonable, to be allowed and paid as other county claims.

SEC. 4. The circuit court and the board of county commissioners, when elected under the writ of election from the executive department, shall meet at the house of Moses Rice, and hold their first sessions, and adjourn to as near the centre of the county as a convenient place can be had, until the public buildings shall have been erected.

SEC. 5. The agent who shall be appointed, to superintend the sale of lots at the county seat of said county of Lagrange, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons, as may be appointed by law to receive the same, for the use of a county library.

SEC. 6. The county of Lagrange, shall be attached to the sixth judicial circuit of this state, for judicial, and to the county of Allen for representative purposes.

SEC. 7. That all the territory lying east of the county of Lagrange, to the state line, and south of said territory and said county, to the township line dividing townships thirty-three and thirty-four, be, and the same is hereby attached to the said county of Lagrange for civil and judicial purposes.

Time, when
&c.

Commission-
ers to fix
county seat
and their
duties.

Sheriff of Al-
len county
shall notify
commission-
ers, &c.

Courts where
to be held.

10 per cent.
reserved for
county libra-
ry.

Attached to
judicial and
representa-
tive districts.

Territory at-
tached.

SEC. 8. That the circuit court shall be held in the county of Lagrange, on the Mondays succeeding the courts in the county of Elkhart, and sit three days each term, should the business require it.

SEC. 9. The board doing county business, may so soon as elected and qualified, hold special sessions not exceeding three, during the first year after the organization of said county, and shall appoint a lister, make all necessary appointments, and do and perform all other business, which might have been necessary to be performed at any other regular session, and take all necessary steps, to collect the state and county revenue, any law or usage to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER CXVIII.

An Act changing the southern boundary of Elkhart county.

[APPROVED, FEBRUARY 2, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That all that portion of territory, which is situated between the present southern boundary line of Elkhart county, and the township line, dividing the congressional townships, thirty-four and thirty-five, between range lines, number three and seven, east of the second principal meridian, be, and the same is attached to, and shall constitute a part of Elkhart county.

CHAPTER CXIX.

An Act establishing the counties of Huntington, Wabash and Miami.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that portion of territory included in the following boundary lines, shall form and constitute a new county, to be known and designated by the name of the county of Huntington, in honour of Samuel Huntington, one of the signers of the Declaration of Independence, to-wit: beginning at the south west corner of Allen county, thence north with the western boundary thereof, six miles; thence west along the township line, sixteen miles to the point of intersection with said line, and the line di-

Boundaries of Huntington county.

viding sections four and five, of township twenty-nine, north of range eight east, thence south twenty-four miles, to the south west corner of section thirty-three, in township twenty-six, of range eight east, on the northern boundary of Grant county, thence along the township line, to its intersection with the line of range ten east, thence north eighteen miles to the place of beginning.

SEC. 2. That all that district of country included in the following boundaries, shall form and constitute a new county, to be known hereafter by the name of the county of Wabash, to-wit: beginning at the south east corner of section five, in town twenty-six north, in range eight east, on the northern boundary line of Grant county; thence west sixteen miles, thence north twenty-four miles with the western boundary of Huntington county, thence east with the township line, to the north east corner of section five, in township twenty-nine north, thence south twenty-four miles to the place of beginning.

SEC. 3. *Be it further enacted,* That from and after the first Monday in April next, all the territory included in the following bounds, to-wit: beginning at the north west corner of section five, town twenty-nine, of range five, being the north west corner of Wabash county, thence south with the western boundary line of said county, twenty-four miles, thence east five miles to the north west corner of Grant county, thence south six miles, thence west, to a point due south of range line dividing townships three and four east of the second principal meridian line, thence north with said range line, to a point due west of the place of beginning, thence east to the place of beginning; shall form and constitute a county to be known and designated by the name of the county of Miami.

SEC. 4. The several parts of said new counties shall remain as they now are attached, for representative, senatorial and judicial purposes.

SEC. 5. *And be it further enacted,* That the boundary lines of the county of Cass, shall be altered and amended, so as to begin at the western boundary line of the Great Miami reservation, at the intersection of the township line, dividing townships twenty-four and twenty-five, thence north nine miles, thence east eight miles, to the south west corner of section number fifteen, in township twenty-six, north of range one west, thence north three miles, thence west three miles to the range line, dividing ranges one and two west; thence north to the boundary line of the purchase of 1826; thence eastwardly with said boundary line, twenty-four miles to the range line, dividing ranges three and four east, thence south with said range line, crossing the Wabash,

Attached for representative and other purposes.

Boundary of Cass county altered.

to a point due east of the place of beginning, thence west to place of beginning.

This act to be in force from and after its passage.

CHAPTER CXX.

An Act changing the boundary line between the counties of Elkhart and St. Joseph.

[APPROVED, JANUARY 31, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That the boundary line between the counties of Elkhart and St. Joseph, be, and the same is hereby changed, and that the same shall be a north and south line, three miles east, and parallel with range line, number three, east of the second principal meridian line. And all that portion of territory so stricken off of Elkhart county, be, and the same is hereby attached to, and shall constitute a part of St. Joseph county.

This act to take effect and be in force from and after its passage.

CHAPTER CXXI.

An Act for the re-location of the county seat of Boone county.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James F. Becket, of Hendricks county, Thomas Arnett of Hamilton county, John Belles of Marion county, Adam M. French of Montgomery county, and John Harland of Clinton county, be, and they hereby are appointed commissioners, to locate and fix the permanent seat of justice of Boone county, within two miles of the centre thereof, agreeably to the provisions of the "Act to fix the seats of justice in new counties," approved January 14th, 1824; and the act amendatory thereto, approved December 19th, 1825; so far as the same do not conflict with this enactment. And the commissioners above named, or a majority of them shall meet on the second Monday in April next.

SEC. 2. It shall be the duty of the sheriff of the said county of Boone, on or before the first day of April next, to notify the above named commissioners, either in person, or

by written notice of their appointment, and of the time and place where they are to meet; and the board doing county business, shall allow the said sheriff such compensation as they may deem reasonable for said services, out of any monies in the county treasury of Boone county.

SEC. 3. The agent who shall be appointed to superintend the sale of lots at the county seat of the county of Boone, shall reserve ten per centum, out of the proceeds thereof, and out of all donations to said county, and pay the same over to such person or persons, who may be appointed by law, for the use of a library of said county. 10 per cent. reserved for library fund.

SEC. 4. That when the sheriff shall have given twenty days notice, by advertisement for that purpose, in each of the precincts in which elections are held; the qualified voters of said county shall assemble and elect such officers, as have not been already elected under the provisions of a law heretofore in force in said county: which election shall be conducted and governed by the law regulating general elections. Election of county officers.

SEC. 5. That the circuit court shall commence its first session at the house of John Galvin, in said county; and shall thereafter adjourn to such other place in said county, as said court may think proper, until the board doing county business shall prepare a house for that purpose. Circuit court where held.

SEC. 6. This act to be in force from and after its publication in the Indiana Journal.

CHAPTER CXXII.

An Act to legalize the sale of the School Lands in the counties of Montgomery and Tippecanoe.

[APPROVED, FEBRUARY 3, 1832.]

WHEREAS, doubts have arisen whether the sales of school lands heretofore made by Ezekiel McConnel, commissioner of school lands, for the county of Montgomery, and by Samuel Black, commissioner as aforesaid for the county of Tippecanoe, were strictly legal, in consequence of its being doubtful whether a majority of all the inhabitants entitled to vote for such sales, did so vote in their respective townships, for remedy whereof, Preamble.

Be it enacted by the General Assembly of the State of Indiana, That all elections heretofore held in said counties for school purposes, and all sales made pursuant to such elections, and all proceedings had thereon of whatsoever nature, be, and the same are hereby legalized, as fully as Elections &c. legalized.

though such majority did vote in their respective townships for such sales.

This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to amend the "Act to authorize the loaning of the Seminary funds," approved January 24th, 1828.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any land mortgaged to the loan office, on being exposed to sale according to law, shall fail to sell for want of bidders, it shall be lawful for the superintendent to dispose of the same to different purchasers, in such divisions as he shall judge to be of most advantage to the seminary fund, if the whole amount charged on said lands can be realized thereby.

SEC. 2. It shall be lawful for the superintendent of the loan office, to sell the lands mortgaged by the late James Noble, on such terms as he shall deem to be most for the interest of the funds under his care; and make conveyance thereof accordingly.

This act to be in force from its passage.

CHAPTER CXXIV.

An Act to amend the act entitled, "An act to incorporate the Franklin county Seminary," approved January 22d, 1830.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, it shall and may be lawful for Richard Tyner, William McCleery, Joseph Meeks, Thomas W. Coalscott, John Davis, John Foster and George W. Kimble, or any three of them, to convene at Brookville, on any day they or any three of them may think proper, for the purpose of carrying into complete effect, the act to which this is an amendment; and they or any three of them that may convene, are hereby declared the trustees of the Franklin county seminary, with the same powers that were given to the trustees of said seminary by the above recited act.

SEC. 2. At any meeting of said trustees, five shall constitute a quorum, unless at the first meeting of said trustees or any three of them they shall fix on any other number.

This act to take effect, and be in force from and after its publication in the newspapers in Indianapolis.

CHAPTER CXXV.

An Act to incorporate the Decatur county Seminary.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Freeman, James Elder, Abraham Garrison, Benjamin Jones, Martin Adkins, David Montague, David Johnson and Samuel Donel, together with their successors, be, and they are hereby created and constituted a body corporate and politic, by the name and style of "the president and trustees of the Decatur county seminary," and by such name shall have perpetual succession, and shall be capable of holding, receiving, and transferring any estate real or personal, by gift, grant, bequest, or devise, of suing and being sued, pleading and being impleaded in all courts of judicature.

SEC. 2. Said trustees shall meet at the court house in Greensburgh, on the first Monday in May next, or some day thereafter, that a majority of them may agree upon, and elect from their own body a president, secretary and treasurer, to continue in office during the pleasure of the trustees; and it shall be the duty of the treasurer thus elected, before he enters upon the duties of his office, to execute a bond payable to the state of Indiana, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and for the payment to the order of the trustees, of all monies that may come into his hands as such treasurer; and shall also take an oath before some justice of the peace, for the faithful discharge of the duties of his office.

SEC. 3. The trustees shall keep a record of all their proceedings in a book to be kept for that purpose, which shall be signed by their president, and attested by their secretary; and no money shall be paid but on the order of the trustees entered of record, a certificate of which signed by the secretary, shall be sufficient authority for the treasurer to pay the amount expressed in any such order, to the person named therein, or to his assignee.

SEC. 4. A majority of said trustees shall constitute a quorum for the transacting of business that may come be-

Mortgaged lands may be sold in parcels.

Lands of James Noble, how sold.

Trustees and their duties.

First trustees.

Corporate name and powers.

Officers.

Treasurer's bond and oath.

Record, how kept.

Disbursements, how made.

Quorum.

By-laws.

fore them; they shall have power to make all such necessary and constitutional by-laws, rules, and regulations, not incompatible with the laws of this state, for the government of said seminary, and the discipline and instruction of the students, as to them shall seem expedient.

Shall have
control of se-
minary fund.

SEC. 5. The trustees aforesaid shall have authority to demand and receive of the trustee of the seminary fund of the county of Decatur, all money, property, or choses in action belonging to the said seminary fund in the county aforesaid, and the same to dispose of for the advancement of the interests of the seminary; and also to demand and receive of the treasurer of state, the proportion of all monies paid into the treasury, by persons conscientiously scrupulous of bearing arms, to which the county of Decatur is entitled; and the receipt of such trustees shall be a sufficient voucher to the treasurer of state for the payment of the same.

Seminary
building.

SEC. 6. That said trustees, so soon as they shall become organized, if they should think it expedient, shall proceed to select a site and let to contract, the building of a brick edifice, such as will be most likely to comport with the general wish of the people of Decatur county as aforesaid.

Officers shall
pay money
over to the
trustees, &c.

SEC. 7. That whenever the said building shall be commenced, it shall be the duty of all officers collecting money for the use and benefit of said fund, to pay the same over to the treasurer of said board, whose receipts shall be sufficient vouchers for the same; and on failure of such officers to make payment of the sums collected by them according to law, the claims may be put in suit: the treasurer of said board shall keep an accurate account of his receipts and disbursements in a book to be kept for that purpose, and shall receive such allowance for his services, as the trustees may think proper to make him.

Treasurer's
compensa-
tion.

Vacancies
how filled.

SEC. 8. Whenever a vacancy shall happen by death, resignation, removal, or otherwise, in the said board of trustees, it shall be the duty of the board doing county business in the county of Decatur, to appoint a suitable person or persons as the case may be, to fill such vacancy.

Report to
county board.

SEC. 9. It shall be the duty of the trustees aforesaid, to make a detailed report of the disbursements of such funds as may come into their hands, annually, to the board doing county business for said county, which report shall be recorded in their records, and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of Decatur county.

Teachers &c.

SEC. 10. That when the seminary fund shall have accumulated sufficiently for the purpose, after erecting suitable buildings and furnishing the same, the said trustees

may, if they think it necessary, appropriate such fund to the payment of teachers and necessary assistants, so as to reduce the price of tuition, or if practicable, make the same a free school.

This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER CXXVI.

An Act to incorporate the Greene county Seminary.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Levi Fellows, Willis D. Lester, Elisha P. Cushman, Ruel R. Learned, Peter R. Lester, John Juman, James Stalkup, Moses Ritter, Eli Dixon, James R. Cavins, John Gardner, John Sanders, Benjamin Stafford, Hiram Hayward and Thomas Plummer and their successors in office, shall be, and are hereby constituted a body corporate and politic, by the name and style of "the president and trustees of the Greene county seminary," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity in this state, and by that name have perpetual succession they shall in law be capable of purchasing, holding, and conveying any estate, either real or personal, for the use of said seminary; they shall be empowered, to receive subscriptions, gifts, grants, donations, or bequests, which shall be appropriated to the sole use and benefit of said seminary, in such manner as the said board of trustees shall deem most profitable and expedient.

First trustees.

Corporate
name and
powers.

SEC. 2. The said trustees shall meet at the court house in the town of Bloomfield, in the county aforesaid, on the first Monday of May next, or on some subsequent day to be agreed upon by said commissioners; and elect a president from their own body; they shall also elect a secretary and treasurer, all of whom shall continue in office during their pleasure; and it shall be the duty of the treasurer before he enters on the duties of his office, to execute a bond payable to said trustees, or their successors in office, in the penal sum of two thousand dollars, conditioned for the faithful performance of his duties, and that he will pay over on the order of the said trustees, all monies that may come into his hands by virtue of his said office, and shall also take an oath or affirmation before some justice of the peace, for the faithful performance of his trust.

Election of
officers.

Treasurer
bond and
oath.

Records of
trustees, how
kept.
Monies how
disbursed.

SEC. 3. It shall be the duty of said trustees to purchase a book, in which shall be made a record of all their proceedings, which shall be signed by the president, and attested by the secretary, and no money shall be paid out but upon the order of the trustees, to be entered on record as aforesaid, a certificate of which, signed by the secretary, shall be sufficient authority for the treasurer to pay the same, to the person in whose favour the same may be drawn or his assignee.

Term of office;
vacancies,
&c.

SEC. 4. The president and trustees created by virtue of this act, shall hold their offices for the term of three years from and after the time of their first meeting and organization, and until their successors are appointed and qualified, and if any vacancy should occur within that time, by reason of death, resignation, removal from the county, or refusal or neglect to serve, by any or either of them, the vacancy or vacancies shall be filled by the remaining trustees; and the person or persons so appointed to fill such vacancies shall hold his or their office, for the time for which the original trustees are appointed to serve, and no longer, and at the expiration of the said term of three years, it shall be the duty of the presiding judge of the circuit court in which said county may be in at the time, to appoint sixteen other trustees with the same powers and duties herein provided for, or to re-appoint the same or any part thereof at his pleasure, who shall from thence hold their offices for three years, and until their successors may be appointed as herein provided for the original trustees; and that thereafter the said president and trustees shall be appointed in like manner, from time to time, for said term of three years, shall have power to fill their vacancies should any occur as aforesaid, and to appoint their officers, all of whom shall continue to hold the same until the expiration of the term of three years, from the time of the appointment of such trustees for the time being; and so on in succession forever.

Successors to
be appointed
by president
judge of cir-
cuit.

By-laws.

SEC. 5. The said trustees or a majority of them shall have power from time to time, to make such by-laws and regulations not inconsistent with the laws of this state, or the constitution of the United States, as they may deem necessary for the purpose of carrying into effect the intentions of this act, for the employment of a suitable teacher or teachers, the good government of said seminary and the students thereof, and the same to put in execution, revoke, alter or amend, or make anew, as they may deem proper, and for the purpose of purchasing a suitable site in the town of Bloomfield aforesaid, and erecting thereon a good, suitable and convenient building or buildings for the use of said seminary, and keeping the same in repair, and for providing whatever may to them seem necessary and proper for said

Lot, building,
&c.

seminary, the said trustees shall meet when and as often as they deem expedient, and a majority of said board shall constitute a quorum for the transaction of business.

Quorum.

SEC. 6 The board of trustees shall be authorized to demand and receive of the present trustee of the seminary fund of said county, all monies, notes, bills, bonds, books and papers belonging to said fund in his hands, and said board are hereby authorized to make settlement with such trustee or any former trustee, and if any thing shall be found due on such settlement to said seminary fund, in their corporate name, to demand and sue for the same, if they think proper; the said money to be appropriated as contemplated by this act, but no contract made or note given to or by the present trustee, shall be made void, but when such contract or note becomes due, said board shall have power to collect the same by suit or otherwise; they shall have also power to demand and receive from the treasurer of state, an equal proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which the said county of Greene may be entitled, and the receipt of the treasurer of said fund to him, shall be a sufficient voucher for the same.

Trustees shall
receive semi-
nary fund &c.

SEC. 7. The said trustees shall not proceed to expend said money in the erection of a building for the use of said seminary, until a sufficient sum has been raised by donation, subscription, or otherwise, in addition to the said seminary fund, to erect a good brick building for the use and benefit of said seminary, of such size and dimensions as said trustees may think proper.

Restricted
from building
until, &c.

SEC. 8. From and after the time, when the said trustees shall be organized under the foregoing provisions, it shall be the duty of all officers, who have or may collect for the use or benefit of a county seminary, to pay the same to the treasurer of said fund, whose receipt shall be a sufficient voucher therefor, and on failure of such officer to pay the same over, the said board shall have a right to sue therefor, in their corporate capacity; and it shall be the duty of said treasurer, to keep a true account of all monies by him received, in a book to be by him kept for that purpose; and said treasurer shall receive such a reasonable compensation, as the said board of trustees may allow him.

Officers shall
pay money to
treasurer, &c.

SEC. 9. It shall be the duty of said trustees, to make a detailed report of the disbursement of such funds as may come into their hands annually, to the board doing county business for said county, which said report shall be recorded on their records; and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of said county seminary; and it is made the duty of the prosecuting attorney,

Treasurer's
compensa-
tion.

Trustees shall
report to
county board.

Suits author-
ized.

prosecuting the pleas for the state of Indiana, in said county, to attend to the prosecuting the same.

SEC. 10. When the said seminary fund shall accumulate sufficiently for the purpose, after erecting suitable buildings and furnishing the same, the said trustees may, if they think it necessary, appropriate such fund to the payment of teachers and necessary assistants, so as to reduce the price of tuition, or if practicable make the same a free school, and the board of trustees aforesaid may, if they think it expedient, loan said seminary fund or any part thereof, for the use and benefit of said seminary, under such regulations and restrictions as they may deem proper.

This act to take effect and be in force from and after its passage.

CHAPTER CXXVII.

An Act to provide for selling the Michigan Road Lands, to open that part of the Michigan Road, between Logansport and Lake Michigan, and for other purposes.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be elected by joint ballot of both Houses of the General Assembly, a Commissioner of the Michigan Road Lands, who shall continue in office two years, and until his successor is chosen and qualified.

SEC. 2. Said commissioner, before he enters upon the duties of his said office, shall file in the office of the secretary of state, a bond made payable to the state of Indiana, in the penal sum of one hundred thousand dollars, with three or more securities to be approved of by the governor, conditioned for the faithful performance of his duty, and the payment of all funds that may come into his hands by virtue of the provisions of this act; which bond shall be recorded in the office of the secretary of state, and a certified copy of said bond shall be delivered by the secretary of state to the auditor of public accounts, to be by him filed and preserved in his office.

SEC. 3. Said commissioner shall, on the first Monday of June next, offer for sale at public auction at such place as he may deem most for the interest of the state and convenient for purchasers, in half-quarter sections, to the highest bidder for cash in hand, so much of the Michigan road lands, as will produce a sufficient sum to refund to the state the amount advanced, and the amount due for contracts heretofore made; that is to say: all the lands inclu-

ded in the sections through which the road passes from Logansport to Lake Michigan; the quarter sections that lie between Lake Michigan and the South bend of the St. Josephs included in the sections above named, shall be divided by a north and south line, and those which lie between the South bend and Logansport, by an east and west line: *Provided*, that in all cases when any half-quarter section as aforesaid, shall be divided by the said road running through the same, the commissioner shall have power if he considers it for the interest of the state, to sell the part lying on one side of the road in one parcel, and attach and sell with the half-quarter that which lies on the opposite side of said road in the same section, the other part of said half-quarter, so that every part of land sold may lie on the said road.

SEC. 4. Said commissioner shall give two months notice of the time and place of such sale, by advertisement in such newspapers in this state as he may select, and also in one newspaper printed at Detroit, Michigan territory, and at Columbus and the city of Cincinnati, Ohio.

SEC. 5. Said commissioner shall continue said sales from day to day, until all such land shall be offered for sale; and a correct list of such sales shall be from day to day kept up, and the plat daily corrected by the sales, until the whole is sold or offered for sale as aforesaid; and upon the purchase money being paid for any tract of land, the commissioner shall forthwith give to the purchaser an official certificate, specifying the number and description of the land purchased, and the amount paid therefor, and shall enter such certificate in a book by him kept for that purpose, before he delivers it to the purchaser; and the person holding such certificate, his heirs or assigns, shall be entitled to a patent therefor, in the name of the state, under the seal thereof, signed by the governor and countersigned by the secretary of state.

SEC. 6. The said commissioner shall keep a book in which he shall keep a true and full account of each tract of land sold, the purchaser's name, and the amount it sold for, and shall forward a true transcript of said account to each of the offices of secretary, auditor and treasurer of state, within thirty days after such sale, and shall within the same time, deposit in the treasury of state, all money and scrip by him received in payment of such lands.

SEC. 7. The auditor and treasurer shall each open an account current in their books, and shall enter at full length on such books, all the accounts, transcripts and returns made to them by said commissioner, together with the total amount said lands sold for, and the amount of scrip and money received from said commissioner, and shall make a

Proviso.

Notice of sale.

List of sales kept.

Certificate.

Patent.

Books of commissioner how kept, &c.

Monies, &c. how deposited.

Aud & Treasurer's books.

Settlement with Comm'r. final settlement with said commissioner, and give him a quietus, so soon as said commissioner shall pay all funds and scrip in his hands.

Sec. 8. The secretary of state is required to cause to be prepared, the necessary certificates for the purchasers of said lands, by half-quarter sections, to be filled up and signed by the commissioner, and deliver the same to said commissioner; and the said secretary, auditor and treasurer of state, shall each receive as a compensation for their services required by this act, the sum of fifty dollars per annum, to be paid out of any monies arising from the sale of said lands.

Sec. 9. In all cases when the commissioner shall discover the existence of a combination between purchasers, to cause any tract of land to sell for less than its true value if it were fairly sold, he is hereby authorized to bid such tract of land off on behalf of the state, and return the same as not sold: *Provided*, that no tract shall sell for less than one dollar and twenty-five cents per acre.

Sec. 10. Said commissioner shall have a second sale at such place as he may deem most for the interest of the state and convenient for purchasers, commencing on the third Monday of October next, to continue thence from day to day, at which time all the lands that remain unsold shall be again offered for sale, on the same terms as the former sale, after which any lands may be entered at the office hereinafter established by this act.

Sec. 11. Said commissioner is hereby authorized and required, to have that part of the Michigan road that lies between the town of Logansport and Lake Michigan at the mouth of trail creek, cut and opened one hundred feet wide, between the 15th day of June next and the last day of November next, in the manner following, to-wit: cut and clear off of the said road, all logs, timber and undergrowth, leaving no stump more than one foot above the level of the earth; the creek banks to be graded; and the swamps and mud causewayed, and good sufficient bridges made over such streams and swamps as is necessary to make the same passable at all times for wagons, and as near as may be, every part equally good: *Provided however*, that the expenditure on said road, north of Logansport, shall not exceed in the aggregate, the amount that has been expended, and is by this act appropriated on said road south of Logansport to the Ohio river, in proportion to the distance.

Sec. 12. Said commissioner shall cause that part of said road between Logansport and Lake Michigan, to be laid off in sections of one mile each, to be numbered in numerical order, one, two, three, and so on, commencing at Logansport; and said commissioner is hereby authorized to

make such alterations in said road as he may deem necessary, within the sections of land selected and surveyed for said road, and through such other lands as the road may pass; such alterations may be made as may be deemed beneficial and lessen the expenses of opening the same, and not materially increase the distance, with the consent of the owners of such lands; and the commissioner is authorized to receive relinquishments to the state, for the use of the road the width of one hundred feet for said road, and said commissioner is authorized to make such alteration at Michigan city, a town lately laid off at the termination of said road on Lake Michigan, so as to enter Michigan street and pass along the same and Wabash street in said town, to the termination of said road.

Sec. 13. Said commissioner after giving four weeks notice by public advertisement at the towns of Logansport and Southbend in St. Joseph county, and other places as he may deem proper, shall proceed to let to the lowest bidder, sections of one mile each, at such times and places as said commissioner shall name in his notice, so as to have the whole under contract by the 4th day of July next: *Provided*, That in all cases where there is the appearance of a combination between the bidders, so as to make the contract go off at too high a price, or where he believes there are no bids at a reasonable price, the said commissioner may suspend the sale of such section or sections of the road, and afterwards proceed to sell the same whenever a reasonable contract can be made.

Sec. 14. It shall be the duty of said commissioner to take bond, payable to the state of Indiana in double the amount of such contractor's contract, with at least two good and sufficient securities, conditioned for the true and faithful performance of the contract of each contractor, within the time, and in the manner contracted for.

Sec. 15. So soon as any such contractor shall have performed his contract to the satisfaction of said commissioner, it shall be the duty of said commissioner to give such contractor, under his hand and seal, a certificate stating the amount due to such contractor, and what it is due for; and said certificate when so signed, sealed and delivered, shall be payable out of the first unappropriated monies arising from the sale of the Michigan road lands, and shall be received in payment for said lands when offered for sale: *Provided*, that no payment shall be made on any contract made as provided for in this act, until all the money shall be paid into the state treasury that has been drawn from the treasury on account of said road; and no contract shall ever be made on said road for a larger amount than can be paid by monies arising from the sales of Michigan road lands.

Sec'y of state shall make out forms of scrip, &c.

SEC. 16. It is hereby made the duty of the secretary of state to make out the form of the certificates, and have them well and neatly printed on the best quality of paper, and number them in numerical order, one, two, three, and so on, and record them in a book for that purpose; and after the commissioner shall have signed and sealed them, the secretary of state shall attest them before they are delivered to the person in whose favor they are drawn; and the commissioner and secretary aforesaid, be, and they are hereby authorized to sub-divide the certificates thus granted to contractors, in sums of one hundred dollars each, if desired by the owner; and for any fractional sum that may likewise be due a contractor, there may be scrip issued by the authority aforesaid.

Scrip may be sub-divided.

Bridges and causeways.

Provided.

SEC. 17. The said commissioner is hereby required, on or before the first day of June next, to contract for bridging the streams, grading the banks and causewaying the swamps on so much of said road as lies between Logansport and the town of Madison on the Ohio river, at such places as on examination he may deem most to the interest of the public, so as to make the whole road passable for wagons, and as near as may be, every part equally good: *Provided*, that the aggregate of said contracts shall not exceed twenty-five thousand dollars; *And provided also*, that the said commissioner shall have discretionary power to vary the route of the road, on banks and hills where the same will be beneficial to the road and lessen the expense of grading.

Commissioner shall keep a record of proceedings.

Quarterly returns & payments.

Report to General Assembly.

Survey and selections of land.

SEC. 18. Said commissioner shall keep a complete record of all his proceedings, the persons with whom he contracts, the amount and particulars of such contract, and the time when such contract may be or shall be completed, and all other proceedings necessary to be perpetuated. And said commissioner is hereby required to make quarterly returns of all his proceedings and contracts to the auditor of public accounts, and shall make quarterly payments to the treasurer of state of all money and scrip he may receive in payment for lands; and shall make a report of all his proceedings to the General Assembly before the close of the second week of the session annually: and said commissioner is authorized to complete selecting and surveying the sections and parts of sections that remain yet to be selected, to complete the road grant; and he shall employ at a fair compensation, surveyors, chain-carriers, clerks and such other persons as may be necessary to enable him to carry the provisions of this act into effect: *Provided*, that the expenses exclusive of commissioner's allowance, shall not exceed in any one year, seven hundred and fifty dollars.

SEC. 19. The aforesaid commissioner is authorized and empowered, to do and perform all acts that the contract commissioner of the Michigan road was empowered to do and perform, under the act approved January 29th, 1830, entitled "an act providing for opening part of the Michigan road," and the act approved February 4th, 1831, entitled "an act concerning the Michigan road scrip, Michigan road lands, and for other purposes," and said contract commissioner, and also the commissioner appointed under the 5th section of the last recited act, are required to deliver over to the commissioner to be chosen under this act, all books, papers, maps and charts that may belong to their respective offices, who shall receive and preserve the same, to enable him to do and perform all acts that said commissioners were by law authorized to do and perform by virtue of the above recited acts; and all the powers and duties of said commissioner, are hereby vested in the commissioner chosen and qualified as required in the first and second sections of this act.

Commissioner's general duties, & former commissioner's duties transferred.

SEC. 20. Said commissioner shall receive in full as a compensation for his personal services and expenses, an annual salary of eight hundred dollars, to be paid quarterly at the treasury of this state, out of any unappropriated money that may be in the treasury, received in payment of Michigan road lands.

Compensation of commissioner.

SEC. 21. The commissioner is hereby authorized to open an office at such place as he may deem most for the interest of the state and convenient for purchasers, where such lands that were offered and remain unsold at the conclusion of said last sale mentioned in the tenth section of this act, may be entered at one dollar and twenty-five cents per acre; and the number of certificates entered shall be a continuation of the numbers previously sold, and be of equal validity as those issued at the public sales.

Land office to be opened.

This act to be in force from and after its publication in the Indiana Journal and Indiana Democrat.

CHAPTER CXXVIII.

An Act to incorporate the Brownstown Manufacturing Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Wort, William Crenshaw and Andrew C. Griffith, together with such other persons who may associate for the purpose of prosecuting the agricultural,

Corporate powers, &c.

manufacturing, exporting and importing business within this state, to be established and located in Brownstown, Jackson county, Indiana, be, and the same are hereby ordained, constituted and declared to be a body politic and corporate, to all intents and purposes; to be known and designated by the name of the "Brownstown manufacturing company;" by which name, they and their successors and assigns, shall have continual succession, and be entitled to all the privileges and immunities of laws of this state, as a body politic and corporate, such as contracting and being contracted with, of suing and, if necessary, being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction; and that they and their successors may have a common seal, and may make and alter the same at their pleasure, and that they and their successors as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal, that may, by them, be deemed necessary to the prosecution of their designs as aforesaid, and the said corporation as herein described, shall exist for the term of twenty years from and after the passage of this act.

SEC. 2. That the capital stock of said corporation shall consist of three hundred thousand dollars, consisting of shares of fifty dollars each. That it shall nevertheless be lawful for said corporation as soon as ten thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the amount of capital stock by subscription, till it amounts to three hundred thousand dollars, as the interest or business of said corporation may require; and that the aforesaid Samuel Wort, William Crenshaw and Andrew C. Griffith, or any two of them are hereby constituted commissioners, and as such are hereby authorized to open and receive subscriptions to said stock, at such places and times as they may deem most expedient after the passage of this act; which subscriptions shall be paid at such time and in such manner, as the board of directors shall order and direct.

SEC. 3. That as soon as ten thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property, and concern of said corporation; said commissioners shall give at least fifteen days public notice, previous to holding said election, in some public newspaper, in or near to said county of Jackson. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election,

Seal.

May purchase and sell real and personal estate, &c.
Limitation.

Stock.

Commissioners' subscriptions, &c.

First election of directors.

Term of service, &c.

and until their successors shall be elected and no longer; they shall be elected by a majority of votes given, either by the stockholders present, or by written proxy from those not present; and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation, at the time of such election; which election shall be held in Brownstown, and annually from the date of the first election: the said commissioners shall act as judges and managers of said first election; but at each subsequent election, the acting directors shall act as judges, and shall manage and conduct said elections; and said directors shall elect one of their number to act as president of the said board of directors; and in case of a vacancy of one in said board, by death or otherwise, the remainder of the board shall have power to fill the said vacancy; but if a vacancy of two or more should occur, the remaining board shall proceed to order an election to fill said vacancy.

SEC. 4. That a majority of the directors shall form a quorum, capable to transact the business of said company, and may enact such by-laws, rules and regulations as they may deem expedient for the government of said corporation, provided, they be compatible with the laws and constitution of this state, and of the United States. The said directors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 5. That the said directors shall have full power at any time to receive, and by a due course of law, coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, and any tax of damage which they may assess for delinquency, or a refusal to pay their respective instalments when called on by said directors; provided such tax shall not exceed ten per cent. on the amount of stock subscribed by said delinquent.

SEC. 6. That the stockholders of said corporation shall duly be held responsible in their individual capacity, for the amount of their respective subscriptions to said stock; *Provided*, That if said company should at any time fail or become insolvent, and its property and effects should not be sufficient to liquidate all just and legal debts, dues, and demands, and that said directors shall have been found guilty of violating any part of the letter or spirit of this charter, or should any agent be found thus transcending the orders of said directors, in either case, such director or agents shall become responsible to the full amount of such failure or insolvency, otherwise their respective responsibilities shall be on an equal footing with other stockholders.

SEC. 7. The stock of said corporation shall be consid-

Quorum by laws, &c.

Subscriptions, suits, &c.

Corporate and individual responsibility.

**Stock assign-
able.** ered as personal property, and shall be assignable and transferable agreeably to such rules and regulations as the board of directors may at any time make and prescribe; *Provided*, That no transaction in the capital of said stock shall be valid, until the same shall be entered as a matter of record on the books of said company, nor till all or any claims which said company may have against said stockholder, shall be liquidated.

**Secretary,
treasurer and
their duties.**

SEC. 8. That said directors shall appoint one secretary, and one treasurer, who shall report to said board of directors at least every six months, and as much oftener as said board may deem proper; and that said secretary shall keep the books of said company, in such a manner that at any time they will give a full expose of the whole standing, transactions and state of the concern; which books shall at all times be open to the inspection of all persons concerned in any respect with said company, either as stockholders, or having dealings with or claims against said corporation; and that said secretary, upon a refusal thus to display said books, on any of the usual hours of doing business, shall be fined at the discretion of said board of directors, in any sum not exceeding one hundred dollars.

**Prohibited
from banking
transactions.**

SEC. 9. That this corporation shall not in any respect whatsoever, act or be engaged in any species of banking business, or issuing any bills of credit in the form of bank notes, nor shall it be engaged in any object or pursuit not specified in this act.

SEC. 10. That this act shall be, and the same is hereby declared to be a public act for the purposes herein specified, and shall take effect and be in force from and after its passage.

CHAPTER CXXIX.

An Act to authorize the incorporation of Lyceums.

[APPROVED, JANUARY 26, 1832.]

**Who may in-
corporate.**

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That twenty or more citizens of any county in this state, desirous of forming a Lyceum, may constitute themselves a body politic and corporate, by such name as they shall adopt, for their mutual improvement in the arts and sciences.

**Constitution
and by-laws.**

SEC. 2. Any Lyceum may form such constitution and by-laws as may be thought proper for its government; *Provided*, The same be not inconsistent with the constitution and laws of this state.

SEC. 3. Previous to exercising corporate powers, the constitution of the Lyceum, signed by at least twenty citizens of the county, shall be recorded by the recorder of the proper county; and by the name therein expressed, such Lyceum may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts whatever; and may hold real and personal property, not exceeding three thousand dollars in value, and may exercise all powers, which to corporate bodies belong, for the purpose of promoting the diffusion of useful knowledge.

This act to be in force from its passage.

CHAPTER CXXX.

An Act to incorporate the Fredonia School Society in Crawford county.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Allan D. Thom, Ebenezer E. Morgan, James G. Hicks, Thomas Cummings and Jacob Rice, and their associates are hereby constituted a body corporate and politic, and shall be known by the name of the Fredonia school society in Crawford county, and by that name shall have power to sue and be sued, to form a constitution, and to alter the same at pleasure, to make and use a common seal, to hold property both real and personal, to buy and sell or otherwise dispose of the same at pleasure, and shall have power to make by-laws, and to do and perform all other acts necessary to carry this act into full and complete effect, not being contrary to the constitution of this state, or the constitution of the United States.

SEC. 2. That the officers of this society shall consist of a president, secretary, treasurer, and three trustees, who shall be elected annually on the second Monday of March, by the subscribers to said school, and shall serve until others are elected and qualified, and the persons named in this act shall serve as trustees for said society, until the first annual election after the taking effect of this act, and until others are elected and qualified.

SEC. 3. The trustees and other officers of this society shall, before entering on the duties of their respective offices, take an oath or affirmation for the faithful performance of their respective duties, before some person authorized to administer the same.

This act to take effect and be in force, from and after its passage.

CHAPTER CXXXI.

An Act to extend the powers of the Hanover Academy.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled, "An act to incorporate the Hanover Academy," approved January 6th, 1829, shall be, and the same is hereby so amended, that it shall be lawful for said corporation, in their corporate name, for the use and benefit of said academy, to hold a permanent landed estate, to an amount not exceeding six hundred and forty acres, and the same or any part thereof to lease, sell and convey at pleasure, for the use of said academy; and it shall be lawful for said corporation, to receive by gift, grant or bequest, land to any number of acres; *Provided however,* That any amount of land held as aforesaid, above six hundred and forty acres, shall be sold for the use and benefit of said academy, and the proceeds thereof applied to the objects for which such gift, grant or bequest was made, so that the said corporation shall not hold more than the said amount of six hundred and forty acres, as a permanent landed estate.

SEC. 2. This act shall be in force from and after its passage, and shall be a public act, and taken as a part of the charter of said academy.

CHAPTER CXXXII.

An Act to incorporate the Greenwood Education Society.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees and directors of the society in Johnson county, heretofore called the "Greenfield education society," elected pursuant to the constitution thereof, are hereby made and declared a body corporate, by the name of the "Greenwood education society," and said trustees and directors, and their successors in office forever, are hereby authorized to have, purchase, secure, possess and retain, lands, tenements, rents, profits, goods, chattels, monies and effects of any kind, for the purpose of promoting education, and shall be authorized to make, have and use a common seal, and may sue and be sued, plead and be impleaded, defend and be defended, in all courts of justice whatsoever.

Authorized to hold 640 acres of land.

Proviso.

Greenfield society incorporated by the name of "Greenwood education society," &c.

SEC. 2. The constitution and by-laws of said society, framed and to be made in the manner therein provided, shall be valid and binding, so far as the same are not contrary to the constitution and laws of this state and of the United States. Constitution and by-laws.

SEC. 3. The said society shall keep a record of its proceedings, which shall at all proper times be open for the inspection of all persons interested; *Provided however,* That said corporation shall not hold real estate, exceeding in value five thousand dollars. Proviso.

This act to be in force from its passage.

CHAPTER CXXXIII.

An Act to incorporate the town of Terre Haute.

[APPROVED, JANUARY 26, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of the town of Terre Haute, together with those residing on the two tiers of out-lots on the south side, three tiers of out-lots on the east side, two tiers of out-lots on the north side, and one tier of out-lots on the west side of said town, shall be incorporated under the name and style, of the "President and Trustees of the town of Terre Haute," as soon as trustees shall be chosen and qualified, and from that time shall be a body politic and corporate, entitled to all the rights, privileges and immunities, and subject to all the provisions and restrictions, and be governed in all respects as required by the act entitled, "An act providing for the incorporation of towns," approved February 10th, 1831, except as herein provided.

SEC. 2. The said incorporation shall embrace the said town and out-lots before mentioned, and the qualified voters under the said recited act, living within the same, shall, on the first Monday of March next, between the hours of ten o'clock, A. M. and four o'clock, P. M. of said day, at the court house in said town, hold an election for trustees to said incorporation, under said act; but before proceeding to such election, they shall elect a president and clerk of said meeting, who, after being qualified, shall immediately proceed to lay off the said town and out-lots, into five districts, and submit the same to the said voters, who shall proceed to elect one trustee from each of said districts.

This act to take effect and be in force from and after its publication.

Corporate name and powers.

Corporate limits.

First election of trustees.

CHAPTER CXXXIV.

An Act to incorporate the town of Washington, in Daviess county.

[APPROVED, JANUARY 31, 1832.]

Trustees. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William McCormack, George Rodick, Lewis Jones, Michael Murphy, and Samuel Arnold, be appointed a board of trustees, for the town of Washington, a majority of whom shall meet on or before the first Monday in July next, and choose out of their own body, a

President. president; and the president and trustees shall hold their offices until the first Monday in October next, and until their successors are chosen and qualified agreeably to the provisions of this act; the said president and trustees and their successors in office, shall be and are hereby created and made a corporation and body politic, by the name and style of the "president and trustees of the town of Washington," and by that name shall be and are hereby made able and capable, both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court having competent jurisdiction; they shall also have authority to make, ordain and establish and put into execution, such by-laws, ordinances and regulations as they may deem necessary; to keep in repair the streets and alleys of said town, to remove nuisances therefrom, and generally to establish, and cause to be executed, such regulations for the good government of the said town, as they the said president and trustees may deem necessary, not inconsistent with the laws and constitution of this state.

Corporate name and powers.

By-laws, ordinances, &c.

Voters. SEC. 2. The said corporation shall have perpetual succession, and for that purpose, the qualified voters residing within said town, shall annually elect by ballot, five freeholders, resident therein as trustees, who shall choose from their number, a president, and shall hold their offices until their successors are elected and qualified. It shall be the duty of the said president and trustees, to give ten days notice by advertisement, set up in three of the most public places in said town, for a meeting of the qualified voters, on the first Monday in October eighteen hundred and thirty-two, and annually thereafter; such notice shall be given by the president and trustees of said town for a similar meeting on the first Monday in October, for the election by ballot of five freeholders as trustees, and the board of trustees giving such notice, shall direct the manner in which the election shall be conducted; if the president and trustees refuse or neglect to order such annual election, at the time

Election of trustees.

Notice of election.

herein provided for, it shall and may be lawful for them, to order an election to be held at any time within sixty days thereafter.

SEC. 3. A majority of the trustees shall constitute a quorum to transact business, but any less number may adjourn and compel the attendance of absent members, by imposing a fine on delinquents, not more than two dollars, and said board shall be the judges of the election of their own members and officers; two thirds concurring may expel any member or officer of the board for improper conduct.

Quorum.

SEC. 4. The president and trustees shall appoint a clerk to the board, an assessor, collector, treasurer, and such other officers as they may find necessary, which officers shall, as well as the president and trustees, before entering on their respective duties, severally take an oath or affirmation faithfully and impartially to discharge the duties of their offices; it shall also be the duty of the said collectors and treasurer, before they commence their duties, to give bond with surety, payable to the president and trustees, and to be approved of by them, conditioned for the faithful discharge of their duties respectively; and the board shall allow their officers such compensation for their services as they may deem reasonable.

Officers of board, their oath, &c.

Bond of collector and treasurer.

Compensation.

SEC. 5. The president and trustees shall have full power and authority, to levy and collect taxes annually, on all real estate within the town, not exceeding fifty cents on every hundred dollars of valuation thereof; and shall prescribe by ordinance the duties of said assessor, and the time and manner of making the assessment, valuation and return of the taxable property within the said town; the said collector shall have full power to collect all taxes assessed and levied by the board of trustees, in manner aforesaid, by distress and sale of the goods and chattels of the person chargeable with taxes, and if no goods and chattels can be found, the collector may seize and sell any lot or part of lot of the delinquent, for the payment of taxes in arrear with the costs, and may convey the same to the purchaser, subject however to such rules, restrictions and right of redemption, as the board may prescribe by ordinance, not inconsistent with the revenue laws of this state.

Taxes, how levied and collected.

Collectors duty.

SEC. 6. The limits of the said corporation shall be co-extensive with the recorded plat of said town, and the justices of the peace resident therein, shall have jurisdiction of all offences against the laws and ordinances of the corporation.

Bounds of corporation, &c.

This act to take effect and be in force from and after its passage.

CHAPTER CXXXV.

An Act to incorporate the Town of New-Albany.

[APPROVED, FEBRUARY 3, 1832.]

Preamble.

WHEREAS, The general act of the General Assembly of the State of Indiana, providing for the incorporation of towns, and under which the town of New Albany became incorporated, and the act amendatory thereto, are insufficient for the regulation and good government of said town:

Corporate name & powers.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president and trustees of the town of New-Albany, shall be, and the same are hereby declared to be a body corporate and politic, by the name and style of "the President and Trustees of the Town of New-Albany;" and by that corporate name, shall be able and capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; to make, use, and have a common seal, and the same to break, alter, and amend at pleasure, to ordain, order, establish, and put into execution, such by-laws and rules, as they shall deem proper and necessary, for the convenience of said corporation; and also adopt, and put in force, such laws, ordinances and regulations, as they shall deem necessary for the police and good government of the town hereby incorporated; subject to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or of the constitution of the United States.

Seal, by-laws, &c.

Wards.

SEC. 2. The said president and trustees shall have power to lay off the said town into three wards; and on the first Monday in January, one thousand eight hundred and thirty-three, and annually thereafter, there shall be an election held at the court house, or some other convenient place in said town, to elect by ballot, nine trustees, the electors of each ward voting separately and distinctly, for three trustees from their several wards, at which election, each white male inhabitant of said town, sane, and not a pauper, being a citizen of the United States, and twenty-one years of age and upwards, who shall have the qualifications of a voter for state officers, and shall have resided within the bounds of the corporation of said town, six months next preceding such election, shall be entitled to vote at said election; twenty days notice of which elections shall be given by the president and trustees, by publishing the same in a newspaper printed in said town, (if there be

Trustees, and how elected.

Who may vote.

Notice of election.

one,) or otherwise, by posting notices thereof in three of the most public places in said town.

SEC. 3. The president of the corporation, shall act as inspector of the elections; he shall call to his assistance, two other qualified electors, who with himself, shall be judges of the elections; they shall appoint a clerk, and having taken an oath or affirmation, faithfully to discharge their duties, as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and four o'clock P. M. on said days: *Provided, however,* that if the president should not be present, the qualified electors shall, in that case, choose one to act in his place at such election: *And provided also,* that if the electors should fail to meet, and elect trustees at any annual election, the corporation thereby shall not be dissolved, but the trustees then in office, shall so continue, until others are elected at an annual meeting of the electors. It shall be the duty of the judges of such election, to certify under their hands and seals, the names of the nine persons who shall have received the highest number of votes, designating therein the ward they are elected to represent, which certificate shall be filed and spread on the record of said corporation, by their clerk; whose duty it shall be, to deliver a copy thereof to each of the nine persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee.

Officers of elections, and how conducted.

Certificates of election.

SEC. 4. The trustees thus elected, or a majority of them, shall meet, and after taking an oath or affirmation, faithfully, diligently and impartially, to discharge their duty as trustees, shall elect one of their own body, to preside as president at all their meetings, but in case of his absence, a president pro tem. may be appointed. No person shall be eligible to the office of trustee, unless he be a qualified elector, and a freeholder within the bounds of the corporation. When vacancies happen by death, resignation or otherwise, such vacancies shall be filled by appointment of the president and trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, shall appoint all officers necessary to carry into effect the provisions of this act, and make such compensation for their services as to them shall appear reasonable and proper. And it shall be the duty of the president, to sign the records of all their by-laws and journals, or minutes of their proceedings, which shall also be attested by the clerk of the corporation, and after a copy thereof, of a public nature, attested by the clerk with the seal of the corporation, shall have been published in a newspaper printed in said town, if there be one, or posted up in three public places ten days there-

Oath of trustees.

President.

Vacancy how filled.

Quorum.

Compensation for services.

Records, how kept.

Ordinances, and how published.

in, such laws and ordinances, shall be deemed to be in force; all others to be in force, from and after their passage, and signed as aforesaid.

Clerk, treasurer, assessor and marshal.

Bond of officer and proceedings hereon.

SEC. 5. At the first meeting of the president and trustees after their election in each year, or as soon thereafter as may be convenient, they shall proceed to elect a clerk, treasurer, assessor and marshal; each of whom shall serve one year, and until their successors shall be chosen and qualified. They shall possess the same qualifications as trustees, take similar oaths, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any part of the conditions of said bonds, they shall be liable to pay to the president and trustees aforesaid, the full amount in arrear, together with full costs, and ten per cent. damages thereon, and six per centum, per annum, on the whole amount recovered, from the time the same should have been paid over, until the day of payment; all which may be recovered on motion made before the circuit court, ten days previous notice having been given of such intended motion; and for all which, such court is required to render judgment against such officer, unless he shew cause satisfactory to the court, why judgment should not be rendered against him; and upon which judgment, execution may issue, returnable in thirty days from the date thereof, without any stay on the same; or on failure to perform all or any part of the conditions of said bonds, the principals and the securities, or any two or more, or either one of them, shall be proceeded against, by suit in said court, upon his official bond, judgment be had thereupon, for the debt, damages, interests and costs above mentioned, upon which execution shall issue, returnable as aforesaid.

Taxes how assessed and collected.

SEC. 6. The president and trustees shall have full power and authority, to assess and collect, from each male inhabitant of said town, of full age, sane and not a pauper, any sum not exceeding fifty cents in each year as a poll tax, and also a tax on real property, not to exceed one half per cent. on its valuation exclusive of improvements, and also, on all shows, exhibitions, or amusements, which may be exhibited or performed for gain, a tax of not more than ten dollars, nor less than five dollars, for each performance or exhibition thereof; and in assessing and collecting the annual revenue, under the direction of the president and trustees, all assessors and collectors, shall in all respects, be governed by the laws which now are, or may hereafter be in force, regulating the assessment and collection of the state and county revenue; except that the marshal

shall make his return to the precept, for the collection of the annual revenue, to the president and trustees.

SEC. 7. It shall be the duty of the marshal, to serve all process and orders, directed to him by the president, except he shall be absent, sick, or interested in the same; in which case, it shall be the duty of the president to name some fit person for that occasion, who shall have the same authority as the marshal in like cases, and to collect all taxes according to the duplicate of the assessment roll. In the service of such process, and in the collection of taxes, whether by distress and sale, or otherwise, the marshal shall be governed by the same rules and regulations, as sheriffs, collectors and constables are directed to observe in similar cases, and in all cases of distress and sale by the marshal, of the real or personal property, on process directed to him by the president, for the collection of taxes, such sale shall be as valid in law and equity, as if the same had been made by a sheriff, constable, or collector; and all certificates, and deeds, given for the sale of real estate, shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

Marshal shall serve precepts collect taxes, &c.

SEC. 8. The president and trustees shall, when they think it expedient, have power to construct docks, piers, wharves, basins or harbors, make, graduate, and pave as many streets or roads to the river Ohio, or other streets and alleys as they may deem proper within said corporation for the public benefit, and at the public expense; they shall also have power to assess at any time when necessary, special taxes for the improvement of any street, side walk, or section thereof, which may have been made by their direction, pursuant to the regulations hereinafter made for that purpose.

Docks, piers, &c. may be constructed.

Special taxes.

SEC. 9. That whenever the owners of lots on any street or section of street, shall be desirous of making any improvement on the same, by graduating, grading, or paving said street or side-walk thereof, or to improve the landing by a wharf or wharves, or any other improvements, and two-thirds of the resident owners of lots on said street or section of street, by themselves or agents, representing two-thirds of the whole number of feet owned by resident owners on such street or section of street, shall by petition, represent to the corporation plainly and distinctly, the improvement wanted, or contemplated to be made, it shall be the duty of the corporation to cause the same to be done, in the best and most economical manner, agreeably to the wish of the petitioners; and the expense of such improvement, shall be assessed and levied on all the lots fronting on said street or section of street, equally per foot front, for the distance such improvement may be intended to ex-

Pavement of streets, how effected.

Petition.

Expense of improvement, how assessed and collected.

tend, which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied, shall be fully paid and discharged. It shall be the duty of the clerk of the corporation, to enter such petition on record with the petitioners names, the number of feet front owned or represented by each, and to make out and deliver to the marshal of the corporation, a list of the owners' names; the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, which list signed by the president, and certified by the clerk, shall be sufficient authority for said marshal, to proceed to collect the same; and if the owner or agent of any lot, or part of lot, shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the marshal shall proceed to collect the same by sale of such lot or fraction, or so much thereof as will pay the amount so levied, and in such sale, he shall in all respects be governed by the sixth section of this act, and the right of redemption shall be the same as is provided in the eighth section of this law: *Provided, however,* that nothing in this section shall prohibit the president and trustees from appointing the days of sale of lots for taxes, levied by virtue of this section.

SEC. 10. The president and trustees shall also have power to make and enforce, all necessary by-laws, ordinances and regulations; to preserve order, regulate and establish markets, to procure the necessary engines and apparatus, guard against destruction by fire, organize fire companies, preserve public property, regulate the manner of using docks, piers, wharves, basins, harbors; regulate the rate of wharfage, and to collect the same; to prevent the erection of public nuisances, and remove the same, and to declare what shall be considered a public nuisance, and for this purpose, may extend their jurisdiction one half mile beyond the limits of said town.

SEC. 11. The bounds of the corporation shall extend from lower Fifth street, in said town, to Upper Fifth street, and from the Ohio river to Oak street; and the president and trustees shall have power to extend from time to time, the limits of said bounds, so as to include all the oak lots on the plat of said town.

SEC. 12. Whenever a majority of the resident owners of two or more lots lying together and adjoining the corporation, shall petition or consent thereto, the said lots shall be considered and held to be subject to the same taxes and assessments, as the in-lots and farm-part of the corporation of said town, and the persons residing thereon, shall be en-

Sale of lots
for expense of
improvements.

Redemption.

By-laws, ordinances and other powers.

Corporation bounds.

Out-lots, how taxed, &c.

titled to all the privileges which are now, or may hereafter be enjoyed by the citizens of said town.

SEC. 13. The trustees of said town, now in office, shall continue to discharge their respective duties as such, till the first election under this act.

SEC. 14. The president shall have the same power to issue, under the seal of the president and trustees, and the marshal to serve process, in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect, for any violation thereof, as justices of the peace and constables have now, or may hereafter have, to carry into effect any process issued by virtue of any law of this state, and shall be entitled to receive, and authorized to demand and collect the same fees that are, or shall be allowed to justices of the peace and constables, for performing similar services; and the president, when officiating as authorized in this section, shall keep a record of his proceedings, which record, or a copy thereof, certified by him with his private seal, duly attested, shall be evidence in any court.

SEC. 15. It shall be the duty of the keeper of the jail of Floyd county, to receive into his custody any prisoner or prisoners, who may from time to time be committed to his charge, under the authority of said president, and to safely keep every such prisoner or prisoners, according to the warrant or precept of commitment, until he, she, or they, shall be discharged by due course of law.

SEC. 16. The marshal shall be the collector of all the levies of said corporation, of what nature soever; he shall be a peace officer, and it shall be his duty, to report to the president, all violations and infractions of any of the penal regulations of the corporation, which may come to his knowledge.

SEC. 17. The annual assessors shall, at or before the first meeting of the president and trustees in May, make out a correct roll of the names of all the persons and property, (or species thereof,) assessed, arranged in alphabetical order, and deliver the same to said president and trustees, if in session, or to their clerk, if in the recess; and said clerk shall, within ten days after such meeting, make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each persons name respectively, and also a precept, in the name of the president and trustees, authorizing him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue, are directed to proceed by virtue of precepts issued and directed to them by the clerk of the circuit court.

SEC. 18. It shall not be lawful for any person or persons, within the bounds of the corporation, to sell by a less

Present trustees shall continue in office.

President may issue process, &c.

Fees for service, &c.

President's record.

Jailor of Floyd county shall receive prisoners, &c.

Marshal shall be collector, &c.

Annual Assessment.

Sale of spirit-
ous liquors re-
strained.

quantity than one quart at a time, any spiritous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a licence obtained from the board of county commissioners, obtain a licence from the corporation, who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not exceeding ten, nor less than three dollars, at the discretion of the corporation. And if any person or persons shall sell any spiritous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she, or they, so offending, shall upon conviction thereof, upon presentment, or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty, nor less than five dollars, for the use of the county seminary in said town. And for the better regulation, peace, and good government of the town, the corporation is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

Ordinances to
suppress im-
morality, in-
toxication,
&c.

This act to take effect and be in force from and after its passage and publication in the New-Albany Gazette.

CHAPTER CXXXVI.

An Act supplemental to an act entitled, "An act to incorporate the Wabash Insurance Company.

[APPROVED, FEBRUARY 3, 1832.]

Preamble.

WHEREAS, it is represented, that the subscribers to the Wabash Insurance Company were not enabled to organize said company, in consequence of the necessary absence of a majority of the persons appointed directors, at the time when the same should have been organized. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the fifth section of said act, as vests the management of the concerns of said company, in fifteen directors is repealed, and that the same shall hereafter be vested in nine directors.

Nine direc-
tors.

Second board
of directors.

SEC. 2. That Samuel Smith, William Burtch, Samuel Tomlinson, David S. Bonner, William Polke, James G. Reed, John I. Neily, Samuel Judah and John Ross, shall form the second board of directors, and hold their offices until the first Monday in October, 1832, and until their successors shall be elected.

SEC. 3. That the said company, in addition to the pow-

er and authority given by the second section of said act, Life insurance may make contracts of insurance upon any life or lives, for any such time, and upon such consideration and conditions, as to them may seem proper.

SEC. 4. That so much of the thirteenth section of said act, as limits the duration of said company to twenty-one years, be, and the same is hereby so altered and amended, as to incorporate said company for the space of thirty years, from and after the passage of this act, instead of twenty-one years from and after the passage of the act to which this is a supplement or amendment. Limitation extended to 30 years.

SEC. 5. That the board of directors above named, may adopt such measures to organize said company, as to them may seem proper; and this act shall take effect from and after its publication in the Vincennes Gazette, and Western Sun, newspapers printed in Vincennes. Directors may organize.

SEC. 6. That the office of the Wabash Insurance Company, be, and the same is hereby made an office of discount and deposit; and said company is hereby authorized to receive deposits of money, or United States and other bank paper, and discount or loan the same; *Provided*, That all deposits made in said office, shall be paid on demand, in specie or its equivalent; *And provided also*, That nothing herein contained shall be so construed, as to authorize said company in any manner whatever, to enter into any banking business, for the purpose of issuing bills of credit, or other notes as a circulating medium. Office declared an office of discount and deposit.
 Provided.
 Restricted from banking.

CHAPTER CXXXVII.

An Act to amend and restrict the Charter granted to the Madison Insurance Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of the Madison Insurance Company, be, and the same is hereby made an office of discount and deposit, and the said company is hereby authorized to receive deposits of money, or United States and other bank paper, and to discount or loan the same; *Provided however*, That all deposits made in said office, shall be paid on demand in specie or its equivalent. Made an office of discount and deposit.

SEC. 2. That in all cases where said company shall refuse to pay deposits made in said office, on demand, such deposits shall be recovered on motion, to be made in any court of competent jurisdiction, ten days previous notice having been given of such intended motion, if the same Deposits how recovered.

shall be in the circuit court, and three days notice if such motion shall be made before a justice of the peace, and on such judgments, and all other judgments against the said company, there shall be no stay of execution, and on all judgments against said company for deposits made in said office, there shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such deposit till paid.

No stay of execution.

Damages.

Restriction.

SEC. 3. The provisions of the above act, shall not be so construed as to authorize said company, in any manner whatever, to enter into banking business, for the purpose of issuing bills of credit, or other notes as a circulating medium.

Process, vs. corporation and how served.

SEC. 4. That it shall be sufficient service of process on the said corporation, to execute a summons, writ or notice, on the president and secretary, or a majority of the directors and secretary of said company; and process so executed shall authorize judgment on proceedings by default against the said corporation, without appearance, or plea filed by the corporation, in the same manner that judgment on proceedings is taken by default, against individual persons, on the execution of process.

How this amended charter shall be adopted.

SEC. 5. This act shall be laid before said company at some regular meeting of the directors thereof, on or before the first day of July next; and if said company through their agents, the directors shall accept the same as a part of their charter, on or before the said first day of July next, then and from thenceforth, this act shall be in full force and effect, and be considered a part of the charter of said company, and shall be a public act, and liberally construed for all beneficial purposes; and the entering this act on the minute book of said company, by order of the directors thereof, shall be evidence of such acceptance by said company.

CHAPTER CXXXVIII.

An Act to incorporate the Lawrenceburgh Insurance Company.

[APPROVED, FEBRUARY 3, 1832.]

Capital stock

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and hereby is established in the town of Lawrenceburgh, an Insurance Company with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereafter specified; which stockholders and sub-

scribers, and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "the Lawrenceburgh Insurance Company;" and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company, for the security or in payment of any debts which may become due, and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favour; and may have and use a common seal, and the same Seal. alter, change, and renew at pleasure, and may also make, ordain and establish, and put in execution, such by-laws, ordinances, rules and regulations, as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs; *Provided*, That no by-laws, ordinances, rules, or regulations of said company, shall in any wise be contrary to the constitution and laws of this state, or of the United States.

Corporate name and powers.

By-laws.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandize and produce, in the course of transportation, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry and respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime, or other risk upon the interest which they may have in any vessel, boat, goods, merchandize or other property, by means of any loan or loans which they may make or mortgage, bottomry and respondentia; and generally, to do and perform all other necessary matters and things connected with, and proper to promote these objects.

Powers to insure, &c.

SEC. 3. That it shall be lawful for said company, to invest any part of their capital stock, monies, funds or other property in any public stock or funded debts, created or to be created by or under any law or laws of the United States, or of this or any other particular state, or in the stock of any chartered bank in this state or of the United States, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks

May invest funds &c.

May loan
funds.

Restricted
from exercis-
ing banking
powers, &c.

Directors,
how elected,
&c.

Votes by
stockholders,
&c.

or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its fund may require, or they may loan the same, or any part thereof to individuals or public corporations, on real or personal security, for such periods of time, and under such restrictions and limitations as the directors thereof for the time being, shall deem prudent and best for the interest of said company; *Provided*, That it shall not be lawful for said corporation, to use or employ any part of their capital stock, money, or other funds in buying or selling goods, wares, or merchandize, nor shall said corporation issue or emit any bills of credit, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid; nor make any contracts in writing, except under the seal of the corporation, for the payment of money, other than such as may be contained in their policies of insurance.

SEC. 4. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of nine directors, who shall be stockholders and residents within this state, and citizens of the United States, and after the first election, they shall be elected by the stockholders, on the second Monday in October annually, at such time of day, and at such place, in the town of Lawrenceburgh, as said directors for the time being shall direct; they shall hold their office for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same in a newspaper printed in said town; and such election shall be by ballot; and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and every such election, and at all other meetings of the stockholders, held under the provisions of this act, each shall be entitled to one vote for each share; any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made, on any day when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 5. That the directors duly chosen under the provisions of this act, shall as soon as may be, after the first, and every annual election, elect from their own body a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore; they shall fill all the vacancies which may occur in their own body, during the time for which they shall be elected, and shall appoint a secretary, and all subordinate officers, clerks, agents, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations, for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations, adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations, and at such other times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered in the journal of their proceedings; and no vote shall be reconsidered by a less number than were present, and voting when the original vote was taken. They shall in the first week of January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair, nor in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders; *Provided*, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock, as part payment thereof.

SEC. 6. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president or president pro tempore, or by such other officer as shall be designated for that purpose, by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory on the said corporation without the seal thereof, according to the true

President and
his powers.

Vacancies.

Officers.

By-laws.

Meetings.

Quorum.

Dividends.

Policies &c.
how attested.

intent and meaning thereof; and all such policies or contracts may be entered into, and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election, or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Secretary's
report.

Stock assign-
able and con-
sidered per-
sonal prop-
erty.

SEC. 7. That the stock of said company shall be assignable and transferable on the books of the same, or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors; and all such stock shall be held and considered as personal property.

General
meetings.

SEC. 8. That any number of stockholders, who shall, at the time, be the owners of one fifth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice, in some newspaper printed in said town, of the time and place of such meeting; and the stockholders present, in person, or by proxy, at any such meeting shall decide all questions proposed for consideration, by a plurality of votes, each share counting one vote; and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Books,
commission-
ers, subscrip-
tions, &c.

SEC. 9. The books for the subscription to the capital stock of said company shall be opened in the town of Lawrenceburgh, by and under the direction of William Tate, George Tousey, Norval Sparks, Stephen Ludlow, John P. Dunn, David Guard, Thomas Shaw, George H. Dunn, and James W. Hunter, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper, printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares; and such individual, company or body corporate, shall at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice, in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors; which election shall in all respects be governed by the provisions of this act for the election of directors; and the board of

Election of
first directors.

directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 10. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all monies that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be paid by giving real or personal security to the satisfaction of the directors; and if any stockholders shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing; *Provided*, That the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one fifth of the capital stock. All the remaining balance of the stock, shall be offered for sale at such time and place, and on such terms, as the directors for the time being, may from time to time direct.

Commission-
ers shall pay
over to direc-
tors, and direc-
tors shall
collect sub-
scriptions.

Provido.

SEC. 11. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk, or any goods, merchandize or produce, whether on the land or on the water, on any vessels or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the under writer of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest, as may be agreed upon by the parties.

Rate of in-
surance, or
interest.

SEC. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders, to assign such policy to the vendee or vendees of such property, and such assignee or assignees, shall have the full benefit thereof; *Provided*, That before any loss happens, notice shall have been given said company of said assignment; and provided that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

Policies as-
signable.

Provido.

SEC. 13. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty

Loss to be
paid in 60
days.

of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified; *Provided*, There shall have been no violation of the conditions of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution. The stockholders may at any regular meeting, either increase or diminish the number of directors; *Provided*, That there never shall be more than thirteen, nor less than five.

SEC. 14. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favourably for every beneficial purpose.

CHAPTER CXXXIX.

An Act to incorporate the Harrison and White Water Bridge Company.

[APPROVED, FEBRUARY 3, 1832.]

Corporate name and powers.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons, who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of the "Harrison and White Water Bridge Company," and by that name shall be capable of holding real estate, sufficient for carrying into effect the purposes of this act; and of suing and being sued, defending and being defended, in law and equity, in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution or laws of this state or the United States; as shall from time to time be found necessary for the management and good government of said corporation.

Stock and shares.

SEC. 2. The capital stock of the said corporation shall be five thousand dollars, divided into shares of twenty dollars each.

Commissioners, books subscriptions &c.

SEC. 3. That William Purcel, George Waldroff, John Godley, John D. Moore, George Arnold, M. Brackenridge, and Jefferson Rittenhouse, shall be commissioners, to open books for receiving subscriptions to the capital stock of the said corporation; and the said books shall be opened on or before the first of September, 1832, and each of said commissioners may receive subscriptions.

First election of directors.

SEC. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some news-

paper printed in Lawrenceburgh, giving at least three weeks notice, of the time and place of meeting of the subscribers, to choose directors; and at the time and place appointed, the stockholders shall choose seven directors, being stockholders of the said corporation; a quorum of whom shall be competent to transact business. A new election of directors shall be held annually, at such time and place as the stockholders at their first meeting shall appoint; the directors chosen at any election shall, as soon thereafter as may be, choose out of their number, one person to be president, and also shall appoint a secretary and a treasurer.

Quorum.

Annual elections.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money by them subscribed, at such times, and in such proportions as they may think proper, and in the penalty of forfeiting their respective shares, and all previous payments thereon.

Shares how paid.

SEC. 6. The said corporation may erect a bridge across the White Water river, at or near the town of Harrison, as shall be deemed most advisable.

Site of bridge.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll, not exceeding the following rates, to-wit: every four wheeled pleasure carriage, drawn by two horses, twenty-five cents; if drawn by four horses, thirty-one cents; every two wheeled pleasure carriage, ten cents; every wagon or cart, drawn by two horses or oxen, nineteen cents; and if drawn by four horses or oxen, twenty-five cents; each sled or sleigh, and two horses or oxen, ten cents; every one horse cart, wagon, sleigh, or cutter, eight cents; every man and horse, six cents; every foot passenger, two cents; every horse, Jack, mule, or head of neat cattle, two cents; every sheep or hog, one cent. But all persons, going to and returning from places of religious worship, going to and returning from a grist mill with a grist; going to and returning from training, when doing duty in the militia, shall be exempt from paying toll.

Rates of toll.

Exemptions.

SEC. 8. If any person shall wilfully impair or injure the said bridge, he, she, or they so offending, shall forfeit and pay to the corporation, the sum of ten dollars, to be recovered with costs of suit, and shall also be liable to pay to said corporation, treble the amount of damages sustained with costs of suit, to be recovered in an action of trespass, in any court of competent jurisdiction.

Penalty for injury to bridge.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to said corporation, eight times the amount of the legal toll,

Penalty for passing toll gate without paying toll.

to be recovered by action of debt before a justice of the peace.

Penalty on toll gatherer, for hindering passengers and extortion

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall for every such offence, forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace, to the use of the person so unreasonably delayed, hindered or defrauded.

Description of bridge.

SEC. 11. The said bridge shall be built not less than twenty feet wide, and shall be well secured by a railing on each side, not less than four feet high.

Time of erection limited to 4 years.

SEC. 12. If the said bridge shall not be constructed in four years from the passage of this act, then and in that case, this act shall be null and void; otherwise remain in full force for fifteen years.

Bridge shall not obstruct river.

SEC. 13. The navigation of White Water river shall be preserved free from obstruction, and the bridge shall be built of a sufficient height, to admit loaded boats to pass under it.

CHAPTER CXL.

An Act incorporating the Fredericksburgh Bridge Company.

[APPROVED, JANUARY 26, 1832.]

Stockholders incorporated their powers, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the stockholders of the Fredericksburgh Bridge Company, as is hereinafter provided, be, and they are hereby made in law and equity, a body corporate and politic, and as such may sue and be sued, plead and be impleaded, answer and be answered unto, and do and transact any business, that an individual or individuals, or bodies corporate or politic, may or can do, subject to the rules and limitations hereinafter provided; and the said company shall be in pursuance of this act, authorized and empowered, to erect, maintain, and keep up a bridge across and over Blue River, near where the state road leading from New Albany to Vincennes, crosses said river, in the vicinity of the town of Fredericksburgh, in the county of Washington.

Stock, shares, &c.

SEC. 2. The capital stock of said company shall consist of fifteen hundred dollars, to be divided into three hundred shares of five dollars each, and may, if the trustees of such company think necessary, be increased to four thousand dollars, the balance to be divided in like manner, in shares of five dollars each.

SEC. 3. The affairs of said company shall be managed by seven trustees, a majority of whom shall form a quorum to do business, to be elected by the stockholders, on the first Monday of September next, or as soon thereafter as circumstances shall permit, and on the first Monday of September annually thereafter, and the trustees when elected, shall serve one year, and until successors are chosen and qualified to take their places, and should there be any vacancy among said trustees, by death or otherwise, the remaining trustees shall fill such vacancy at their next meeting; and until the first election to be held by said company, the following persons are hereby authorized to act as such, viz: John Gregg, Jacob Horner, John Royse, John Horner, Martin Royse, Isaac Lofton, and James McKinney, a majority of whom shall be sufficient to transact business.

Trustees, how elected.

Vacancies how filled.

First trustees. Quorum.

SEC. 4. To aid in transacting their business, the trustees shall have power to make all such rules and regulations or by-laws, as they shall deem necessary, to carry into effect the provisions of this act, and to appoint one of their own body to act as president of their board; and all other officers and agents, they may find necessary to employ, and when the interest of the company requires it, to remove them and appoint others in their places.

By-laws.

President and other officers.

SEC. 5. As soon as the bridge contemplated to be built over Blue river, near Fredericksburgh, in the county of Washington, shall be finished, or made ready for passengers, to pass over thereon, the trustees of said company are hereby authorized to erect a toll gate on said bridge, and by their agent appointed for that purpose, to demand and receive from every person who may wish to pass over said bridge, toll at the rate such trustees shall think proper; provided it shall not in any case exceed the rate allowed by the board doing county business, to ferrymen for carrying passengers, or any species of property over said creek in their boats. And said company for detaining passengers who may wish to pass, or neglecting to keep said bridge in a proper state of repair, shall be liable to the same penalties and damages, that ferrymen shall be liable to, for failing to keep proper or suitable boats, watermen, &c. and at all times in the night, when there is no person in attendance at the gate, it shall be left open.

Penalty for hindering passengers.

SEC. 6. Said company shall cause a record of their proceedings to be kept in a book to be provided for that purpose, which shall always be open to the inspection of any person or persons, the board doing county business may appoint for that purpose, and in some proper place in said book, they shall cause an entry to be made of the amount of their stock, and by whom held, and at the end of each quarter of a year, when they shall make a dividend of the

Records, how kept.

Dividends.

nett proceeds of the tolls taken at said bridge, they shall credit said stock with such quarterly dividends, and as soon as the amount so credited shall be sufficient to refund the capital stock of said company which shall have been actually paid in, together with ten per centum per annum thereon, then said bridge shall vest in the county of Washington, to be under the control of the board doing county business, or their authorized agent; but no toll shall ever be demanded or taken thereat by said board, for any other purpose than keeping said bridge in repair.

Bridge shall ultimately vest in the county.

Dividends.

SEC. 7. Each stockholder shall be entitled to such proportion of the dividends made by said company, as the amount of his stock bears, to the whole amount paid in, which sum shall be paid to him, at the office of the company at any time when demanded, after ten days from the making such dividend.

Dividends.

SEC. 8. Dividends of all the nett proceeds of said company, shall be made quarter yearly, on the second Mondays of May, August, November and February.

Votes.

SEC. 9. In all elections held by said company, each person shall be entitled to as many votes, as he holds shares of stock in said company; provided no one person shall have more than twenty votes.

Penalty for, injuring bridge.

SEC. 10. It is to be understood that the right of the company, consists in a lien on said bridge, until they are paid the amount expended in the purchase of stock with interest as above, and that any person for an injury done to said bridge, or its appurtenances, or for any obstruction placed in the way of travelling, shall be subject to the same penalties for like offences on any other bridge, or part of the public highway, and shall moreover be liable to the company, for double the amount it may cost to repair the same, or remove such obstruction, with costs of suit, to be recovered on conviction thereof, before any court competent to try the same.

Exemption from tolls.

SEC. 11. But it is hereby understood and declared, that no citizen of said county of Washington, who may have to attend the probate or circuit courts of said county, as a suitor or witness, or a grand or petit juror, shall in going to or returning from such courts, when in session, be liable to pay any toll for passing over said bridge, nor shall any toll be demanded or received of any inhabitant of said county, on Sabbath days, going or returning from divine worship, nor any legal voter of said county on the first Monday of August, in going or returning from the place of the annual election, nor from any man of said county when going to or returning from militia muster, drill, training, review, or inspection, which by law he may be bound to attend; and each and every person who may claim the above exemp-

tions, who are not by this section entitled thereto, shall be liable to pay double toll, together with costs of suit; and each and every person who shall be entitled to such exemption, and shall claim the same, and shall be made to pay the tolls as if not so exempt, shall be entitled to recover back double the amount of such toll improperly demanded and paid, together with costs of suit.

SEC. 12. The trustees aforesaid, are hereby authorized for the purpose of obtaining a more eligible situation on which to build said bridge, to go not more than one quarter of a mile above or below the crossing place of said road, to erect the same, by opening and keeping in repair, a good road from the present state road to said bridge, and from thence to intersect said state road at some convenient point; *Provided however*, That nothing in this section shall be so construed, as to authorize said trustees, in any manner to obstruct the present state road as heretofore established between the points aforesaid.

Scite of bridge.

CHAPTER CXLI.

An Act to incorporate a company, to build a Bridge across Silver creek, at or near the mouth thereof, and for other purposes.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Benjamin Franklin, William Wright, Charles A. Clark, Randall Crawford, Harvey Scribner, George White, with their associates, be, and they are hereby created a body, politic and corporate, by the name of "the Silver creek Bridge Company," for the purpose of erecting and constructing a bridge across Silver creek, at or near the mouth of said creek; and they and their associates and successors, shall continue in office, and have perpetual succession, and by that name and style, are hereby made capable in law, as natural persons, to contract and be contracted with, to sue and be sued, plead and be impleaded in this state, and elsewhere in all courts of law or equity, to make, have, and use a common seal, and the same to break, alter or amend at pleasure. They shall also have power to purchase and hold as much real estate as will be necessary for the scite of said bridge, or the scite for the piers, abutments, toll houses, and suitable avenues leading to the same; and also to borrow money not exceeding the amount of capital stock mentioned in this act, but not to have the privilege of loaning money, or issuing bills or notes on banking principles; also the power to ordain and estab-

Corporate name and powers.

Seal.

May hold real estate, &c.

Restrained from banking transactions.

By-laws
&c.

lish such by-laws, ordinances, and regulations, as shall be necessary for the well being and government of the corporation, not contrary to the laws of this state, or of the United States.

Stock and
shares.

SEC. 2. That the capital stock of the said company, shall consist of thirty thousand dollars, divided into six hundred shares of fifty dollars each, to be subscribed for or sold in the manner hereinafter mentioned.

Books, sub-
scription, &c.

SEC. 3. That within sixty days after the passage of this act, the persons before named, or a majority of them shall open books of subscription of the stock of said company, at such place or places, as they may think proper, having given sufficient notice in some public newspaper of the time and place of opening such books; which books shall be kept open, under the direction of said persons, or a majority of them, until at least two hundred shares of said capital stock shall have been subscribed, and shall have the right to demand and receive from every person subscribing for the stock of this company, a sum not exceeding five, nor less than one dollar, on each share subscribed at the time of making the subscription; and no subscription shall be deemed valid, unless such payment is made, if required by the conditions of the subscription.

First election
of president
and directors.

SEC. 4. That when one hundred shares shall have been subscribed; the said persons or a majority of them shall advertise a meeting of the shareholders of said company, at New Albany, giving at least fifteen days previous notice of the time and place of such meeting; and the shareholders shall thereupon proceed to the election of a president and four directors, who shall be shareholders; and such of the before mentioned persons who shall not then be shareholders, shall cease to be members of said corporation; and said shareholders shall also proceed to fix what compensation said president and directors shall be entitled to receive, if any be allowed, also to ordain and adopt any such by-laws, for the permanent organization of said corporation, as they may deem needful; at which meeting each shareholder shall be entitled to one vote, for each share to the number of ten, and one vote for every five shares above ten, and no more; and at all subsequent elections or general meeting of the stockholders, no shares shall be voted on, that have not stood in the name of the person claiming to vote, at least three weeks previous to the day of election or meeting; and that the shares in said company may be voted on by proxy, duly recorded, conforming to the foregoing regulations.

By-laws, &c.

SEC. 5. That the president and directors first chosen, shall hold their offices until the first Thursday in January, ensuing such election, and until others shall be chosen in

Term of ser-
vice of first
officers.

their places, and on the first Thursday in January in each year, the stockholders in said company shall meet at some place in New Albany, to be designated by the president and directors; and then proceed to the election of a president and four directors, who shall be shareholders and residents of the county of Floyd or Clark, and who shall hold their offices for one year, or until their successors are elected; and sufficient notice of such meetings and elections having been given by the secretary of the company previous thereto, and at the annual meetings a statement of the affairs of the company, shall be made out by the president and directors, and presented to said meeting; and such dividends of the profits declared, as may be deemed advisable.

Annual elec-
tion of offi-
cers.Annual state-
ment of af-
fairs.

Dividend.

SEC. 6. That the concerns of said corporation, shall be under the control, superintendence and management of the said president and directors, and the president and two directors shall constitute a quorum to transact business, or in the absence of the president, any three of the directors, one of whom shall act as president pro tem. The president and directors, after they shall have been duly elected as aforesaid, may make such assessments on the shares of said company, as are subscribed, payable at such period as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of stock delinquent, as they may deem proper. They are to open or renew the subscription for the shares not already subscribed, or sell them, and any forfeited shares, as they may think best for the company.

General pow-
ers.

Quorum.

Assessments
on shares.

SEC. 7. That it shall be the duty of the president and directors, to appoint a clerk or secretary, and cause a record of their proceedings to be kept. They may appoint a treasurer, and such other officers, agents and servants, as they may think needful for promoting said undertaking, and allow them such compensation as they may agree on, to make contracts, and do all things necessary for carrying the same into immediate effect, and to require and take such bond or other surety in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of the death, resignation or vacancy, from any other cause of the president or any director, the survivors or a majority of them shall supply the vacancy, until the next annual election, by the election of another shareholder, and if from any cause, an election should not take place at such annual meeting, the same president and directors shall continue in office, until the next annual meeting of the stockholders, and until such election shall have been made.

Clerk, trea-
surer, &c.

Bonds, &c.

Vacancies
how filled.

SEC. 8. That the said president and directors, shall have the right to purchase or receive, the conveyance or

May pur-
chase scite for
bridge.

conveyances of a scite for said bridge, or a scite for the abutments or piers of said bridge, and as much land contiguous thereto, as they may deem needful and proper for the benefit of the company.

Rates of toll. SEC. 9. That when said bridge is erected and completed, the president and directors shall have a right to fix rates of toll, for passing over the same, and to collect the same from all and every person or persons passing thereon, with their goods, carriages or animals of every kind and description; and the president and directors, shall from time to time, reduce the rates of toll, so that the nett profits shall not exceed twelve per centum, per annum, after the proper deductions are made for repairs, insurances, and other charges. Toll gates may be kept at each end of the bridge, and the rates of toll shall be posted up at some conspicuous place where the same is demanded.

Toll gates. SEC. 10. That if any person or persons shall wilfully and knowingly, do any act or thing whatever, whereby the said bridge or any thing thereto belonging shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of legal and lawful jurisdiction; and any person or persons, who shall pass or attempt to pass said bridge, without paying the tolls, or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this state, and if any person or persons shall wilfully set fire to said bridge, or burn the same or any part thereof, the person so offending, with their aiders and abettors, shall be guilty of arson and punished accordingly.

Penalty for injuring bridge, &c.

Penalty for passing without paying toll.

Penalty for burning bridge.

Certificates of stock. SEC. 11. That certificates of stock in said company, shall be issued under the seal of said company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer.

Company shall erect a bridge over Falling run. SEC. 12. *And be it further enacted,* That it shall be the duty of the said "Silver creek Bridge Company," to erect and construct a permanent and suitable bridge across Falling run, below the town of New Albany, on and where the state road from New Albany to Corydon and Princeton crosses the same, within the county of Floyd, upon such terms, and under such restrictions, limitations, privileges, and regulations, in all respects, as are provided for the erection and construction of said Silver creek Bridge by this act; *Provided, however,* That it shall be lawful for the county of Floyd, and she hereby reserves to herself, if the board of county commissioners, or other board doing county business, shall at some regular meeting thereof, so determine

Proviso. Floyd county may purchase the bridge.

and decide, and cause such determination and decision to be entered on the records of said board, at any time within five years after the completion of the said Falling run bridge, to possess herself of and become the owner of the same, by paying to the said company the full amount expended in the erection thereof, together with six per centum per annum, deducting therefrom the amount of all tolls received by said company on the Falling run bridge, over and above what may be necessary to nett to the company, six per centum per annum on the amount so expended: *And provided also,* That if at any time before the commencement of the erection of said Falling run bridge by said company, the board of commissioners aforesaid, for said county of Floyd, shall determine and decide that the said company shall be released and exonerated from all liability or obligation by this act imposed, to build said bridge, then and in that case, the said company shall thenceforth be entirely released and exonerated from all liability and obligation whatever, to erect and construct said Falling run bridge.

Floyd county may release the company from building bridge.

SEC. 13. That in the event of the erection of said Falling run bridge, by said company, and the county of Floyd, possessing herself of, and becoming the owner of the same as aforesaid, the said bridge shall from thenceforth be a free bridge for all persons to cross, except so far as the board doing county business for said county of Floyd, may deem it expedient and necessary in their discretion, on such terms and upon such exemptions, as they shall think beneficial, to assess and collect such tolls, as may be sufficient to keep said bridge in repair, pay the necessary insurances, and pay such agents, servants, and toll gatherers, as it shall be necessary to employ, and no more; and the said board of commissioners, are hereby authorized and empowered, from time to time, to adopt such rules, orders, by-laws, regulations and ordinances, and to establish the same, as they shall deem necessary for the well being and government of said Falling run bridge and its concerns, not inconsistent with the laws of this state, or of the United States. That the tenth section of this act, relative to injuries to the Silver creek bridge, and the non-payment of tolls, and mode of recovery, shall be applicable in all respects to injuries and non-payment of tolls, and mode of recovery, in relation to said Falling run bridge; and if any person or persons shall wilfully set fire to said bridge across said Falling run, or any part thereof, such person so offending, with their aiders and abettors, shall be guilty of arson.

Floyd county shall make it a free bridge, except, &c.

Penalty for injuries to bridge, &c.

SEC. 14. That this act shall be in force from and after its passage, and publication in the New Albany Gazette, and shall cease to have effect, if two hundred shares of

When act shall take effect, and when it shall cease.

said capital stock, shall not be taken and subscribed for within two years thereafter, and the said Silver creek and Falling run bridges, be each completed, so far as to be passable within five years.

CHAPTER CXLII.

An Act to Incorporate the New-Albany Insurance Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and hereby is established in the town of New-Albany, an Insurance Company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stock-holders and subscribers, and their successors, shall be, and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The New-Albany Insurance Company," for the period of seventy-five years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules or regulations of said company, shall in any wise be contrary to the constitution and laws of this state, or of the United States: *And provided also*, that said company, shall not own or hold at any one time, by legal title, a greater amount of real estate, than shall be of the value of two hundred thousand dollars.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property, against

Capital stock,
shares, &c.

Corporate
name and
powers.

Seal.

By-laws.

Proviso.

Insurance on
what, &c.

loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage, on goods, merchandize and produce, in the course of transportation or otherwise, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandize or other property by means of any loan or loans which they may make on mortgage, bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, monies, funds, or other property, stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular state, or in the stock of any chartered bank of this state or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company: that the office of "The New-Albany Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on, and to discount or loan the same, upon such terms and upon such rate of interest, as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same: *Provided, however*, that all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent; except where special deposits are made, which shall be refunded and paid as agreed upon: *And provided also*, that it shall not be lawful for said corporation, to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the busi-

May invest
or loan stock,
&c.

Office declared an office of discount and deposit.

Restricted from issuing bills of credit, &c.

ness or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

Proceedings
v. corporation
for refusing to
refund depos-
its, &c.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion, if before the circuit court, and three days notice, if before a justice of the peace, having been given; and upon judgments rendered therein, and upon all other judgments, against said corporation, for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

Process vs.
corporation &
how served,
&c.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created, to execute the writ or notice on the President or Secretary, and a majority of the directors, for the time being; and such service shall authorize judgment on proceedings by default, against the corporation, without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons, on the execution of process.

Directors,
how elected,
&c.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of nine directors, who shall be stock-holders and citizens of the state of Indiana, and after the first election they shall be elected by the stock-holders, on the second Monday in October annually, at such time of day, and at such place, in the town of New-Albany, as said directors for the time being shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published, for three weeks next preceding the same, in a newspaper printed in said town; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stock-holders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stock-holders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, that no stock-holder shall be entitled at any time to more than twenty-five votes, and any stock-holders not personally attending such election or other regular meeting of the stock-holders, and having a right to vote, may vote by proxy, such proxy being granted to a

stock-holder present at such election or meeting: and in case it should so happen, that an election of directors should not be made on any days, when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president *pro tempore*: they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stock-holders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided *viva voce* by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted and entered in the journal of their proceedings, and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stock-holders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

President.

Vacancies.

Other officers.

By-laws, &c.

Stated meetings, quorum, &c.

Dividends.

Policies, how attested. SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stock-holders, to lay before them a correct and particular statement of the condition and affairs of said company.

Secretary's report.

Stock assignable and considered personal estate. SEC. 9. That the stock of said company shall be assignable and transferrable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as personal property.

General meetings.

SEC. 10. That any number of stock-holders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stock-holders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting, and the stock-holders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Books, subscriptions, commissioners, &c.

SEC. 11. That books for the subscription to the capital stock of said company, shall be opened in the town of New Albany, by and under the direction of James R. Shields, Matthew Robinson, Charles Woodruff, Asahel Clapp, Harvey Scrivener, [Scribner] Elias Ayers and Robert Downey, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscriptions, in a newspaper printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company, or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commis-

sioners, as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stock-holders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors, all monies that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stock-holder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors; and if any stock-holder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stock-holder shall forfeit to the company, the amount paid on such stock at the time of subscribing: *Provided*, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock: all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being, may from time to time, direct.

Directors shall receive money, &c. from commissioner, collect subscriptions, &c.

SEC. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the under-writer of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

Rate of insurance and interest.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property, and such assignee, or assignees

Policies assignable.

shall have the full benefit thereof: *Provided*, that before any loss happens, notice shall be given said company of said assignment: *And provided*, that said company, when so notified, shall be at liberty to return a rateable proportion of the premium, and thereupon be exonerated.

Loss to be paid in 60 days, & proceedings for failure, &c.

SEC. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, there shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases.

The stock-holders may, at any regular meeting, either increase or diminish the number of directors: *Provided*, that there never shall be more than thirteen nor less than five.

SEC. 16. This act shall be in force from and after its passage and publication in the New-Albany Gazette, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER CXLIII.

An Act to ratify and confirm an act of the Legislature of Kentucky, incorporating a company to build a Bridge across the Ohio river at the Falls.

[APPROVED, JANUARY 26, 1832.]

Preamble.

WHEREAS, it is represented to this General Assembly, that the Legislature of the state of Kentucky, at the last session thereof, to-wit: in December 1831, passed an act to incorporate a company, to build a bridge, across the Ohio river, at the Falls; in substance as follows, that is to say; "Act act to incorporate a company, to build a bridge across the Ohio river, at the Falls.

Act of the Legislature of Kentucky recited.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert Brackenridge, John S. Snead, John J. Jacob, Robert Graham, Levi Tyler, Robert Ormsby, Edward Shippen, William D. Payne, Basil N. Hobbs, Philip R. Gray, James McG. Cuddy, James Hughes, John B. Bland, Daniel Smith, William H.

Pope, James C. Johnston, Samuel Bell, Jonathan Jennings, Benjamin Parke, Samuel Gwathmey, John P. Tunstall, and William D. Beach, with their associates, be, and they are hereby created a body politic and corporate, by the name of the Ohio bridge company, for the purpose of erecting and constructing a bridge across the river Ohio, at the Falls thereof; and they and their associates and successors, shall continue and have perpetual succession, and by that name and style, are hereby made as capable in law, as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded in this commonwealth and elsewhere, in all courts of law or equity; to make, have and use a common seal, and the same to break, alter or amend at pleasure; they shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, or the sites for the piers, abutments, toll houses, and suitable avenues leading to the same, also to borrow money, not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also, the power to ordain and establish, such by-laws, ordinances and regulations as shall be necessary for the well being, and government of said corporation, not contrary to the laws of this commonwealth, the state of Indiana, or of the United States.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall consist of five hundred thousand dollars, divided into ten thousand shares of fifty dollars each, to be subscribed for, or sold in the manner hereinafter mentioned.

SEC. 3. *Be it further enacted*, That within sixty days after the passage of this act, and the confirmation of the same by the state of Indiana, the persons before named or a majority of them, shall cause a public advertisement to be made of the time and place of opening books of subscription of the stock of said company; which books shall be kept open under the direction of said persons, or a majority of them, not less than ten nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than ten thousand have been taken, then and in that case, the persons before named, or a majority of them, shall proceed to reduce the number of shares, in an equitable and just proportion among the subscribers, not reducing any one below twenty shares; and they shall have the right to demand and receive from every person subscribing for the stock of this company, a sum not exceeding ten nor less than one dollar, on each share subscribed, at the time of making the subscription, and no subscription shall be deemed valid,

unless such payment is made, if required by the conditions of subscription.

SEC. 4. *Be it further enacted*, That when two thousand shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the shareholders of said company, at Louisville, giving at least fifteen days previous notice of the time and place of such meeting, and the shareholders shall thereupon proceed to the election of a president and six directors, who shall be shareholders, and such of the before named persons who shall not then be shareholders, shall cease to be members of said corporation; and the said shareholders shall also proceed to fix what compensation the said president and directors shall be entitled to receive, if any be allowed; also to ordain and adopt any such by-laws, for the permanent organization of said corporation, as they may deem needful; at which meeting each shareholder, shall be entitled to one vote for each share, to the number of twenty, and one vote for every ten shares over twenty, and not exceeding one hundred; and one vote for every twenty shares above one hundred; and at all subsequent elections, or general meetings of the stockholders, no shares shall be voted on that have not stood in the name of the person claiming to vote, at least three months previous to the day of election or meeting, and that the shares in said company may be voted on by proxies duly recorded, conforming to the foregoing regulations.

SEC. 5. *Be it further enacted*, That the president and directors first chosen, shall hold their offices until the first Thursday in January, ensuing such election, and until others shall be chosen in their places; and on the first Thursday in January, in each year, the stockholders in said company shall meet at their office in Louisville, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall be shareholders and residents of the state of Kentucky or Indiana, and who shall hold their offices for one year, or until their successors shall be elected. Public notice of such meetings and elections, shall be given by the clerk or secretary of the company, in some public newspaper printed in Louisville, at least fifteen days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the president and directors, and presented to said meeting, and such dividends of the profits declared, as may be deemed advisable.

SEC. 6. *Be it further enacted*, That the concerns of said corporation shall be under the control, superintendence and management of the said president and directors; and the president and three directors shall constitute a quorum to

transact business, or in the absence of the president, any four of the directors, one of whom shall act as president pro tem. The president and directors, after they shall have been duly elected as aforesaid, may make such assessments on the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open or renew the subscription for the shares not already subscribed, or sell them and any forfeited shares, as they may think best for the company. *Provided however*, That no stock shall be sold by them, for less than the par value thereof.

SEC. 7. *Be it further enacted*, That it shall be the duty of the president and directors, to appoint a clerk or secretary, and cause a record of their proceedings to be kept; they may also appoint a treasurer, and such other officers or agents as they may think needful for promoting said undertaking; and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into immediate effect, and to require and take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint or contract with; and in the event of the death, resignation, or vacancy from any other cause, of the president or any director, the survivors or a majority of them, shall supply the vacancy until the next annual election, by the election of another shareholder.

SEC. 8. *Be it further enacted*, That the said president and directors, shall have the right to purchase or receive the conveyance or conveyances, of a scite for said bridge, or scites for the abutments or piers of said bridge; and if they shall deem it advisable and advantageous to the company, one acre of land at each end of the bridge, over and above what is authorized to be purchased by the first section of this act.

SEC. 9. *Be it further enacted*, That the said permanent bridge shall be erected, so as to permit the passage of ships, schooners, sloops and steam vessels of the largest size and height, at the highest stages of water in the river, and shall have, over the main channel on the Kentucky side, and also over the main channel on the Indiana side, spans or arches, not less than two hundred feet wide, and the other spans or arches not less than one hundred feet; and when so erected and completed, the president and directors shall have a right to fix rates of toll, for passing over said bridge, and to collect the same, from all and every person or persons passing thereon, with their goods, carriages or animals of every kind, or description. *Provided however*, That the said com-

pany shall lay before the Legislature of this state, a correct statement of the cost of said bridge, and an annual statement of the tolls received for passing the same, and also the cost of keeping the said bridge in repair, and of the other expenses of the company; and the said president and directors shall, from time to time, reduce the rates of toll, so that the nett profits shall not exceed twelve per centum per annum, after the proper deductions are made for repairs and other charges. Toll gates may be kept, and toll received at each end of the bridge, and the rates of toll shall be posted up in some conspicuous place where the toll is demanded.

SEC. 10. *Be it further enacted*, That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said bridge, or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of competent and legal jurisdiction; and any person or persons who shall pass, or attempt to pass said bridge, without paying the toll or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she, or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this commonwealth; And if any person or persons, shall wilfully set fire to said bridge, or burn the same or any part thereof, such persons so offending, with their aiders or abettors, shall be guilty of arson.

SEC. 11. *Be it further enacted*, That certificates of stock in said company, shall be issued under the seal of said company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer.

SEC. 12. *Be it further enacted*, That two thousand shares of the stock in said company may be taken, and shall be reserved for the state of Kentucky; and two thousand shares may be taken, and shall be reserved for the state of Indiana; and two thousand shares may be taken, and shall be reserved for the city of Louisville; *Provided however*, That the said states and city, or either of them, authorize any person or persons to make the subscription for said stock, or any part thereof, within fifteen months from the passage of this act; and in case either of said states, or the city of Louisville, becomes shareholders in said company, the shares held by them respectively, may be voted on, at elections or other meetings, by the authorized agent or agents, designated by all or either of said states or city, in the same manner as the shares held by individuals, as designated in this

act; and in case the Mayor and Council of the city of Louisville should take the two thousand, or any less number of shares in said company, they are hereby authorized to raise the necessary amount of money by a loan on the credit of the city, and a pledge of the stock, so subscribed, and taken by them.

SEC. 13. *Be it further enacted*, That this act of incorporation shall go into effect, so soon after the passage thereof, as it shall receive the ratification of the Legislature of the state of Indiana, and shall cease to have effect, if the stock shall not be taken to the extent of two thousand shares, within five years; and the bridge be completed so far as to be passable within ten years.

SEC. 14. *Be it further enacted*, That the said company shall be held liable and responsible, by an appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber, or other lumber passing up or down said river, in consequence of the construction of said bridge, unless the injuries are sustained by negligence, or want of competent skill of those on board said vessels, boats or rafts.

SEC. 15. *Be it further enacted*, That it shall be lawful for said bridge company, at their own expense, to employ and furnish pilots for directing boats or other vessels, rafts of plank, timber, or other lumber through the bridge; and if any person navigating a boat or vessel, raft of plank, timber or other lumber, shall fail to take, or refuse the aid of a pilot, furnished by the company, then such boat or other vessel, raft of plank, timber or other lumber, shall be considered as passing the bridge at the risk of the owner or navigator.

SEC. 16. *Be it further enacted*, That it shall be sufficient service of process, on the corporation hereby created, to execute a summons on the president and secretary, or a majority of the directors and secretary of said company; and process so executed, shall authorize judgment at the first term, as in other cases, if no appearance should be entered, or plea filed.

SEC. 17. *Be it further enacted*, That it shall be the constant duty of the said bridge company, from time to time, to remove all timber or drift of any description, which may lodge against any of the piers of said bridge, and if they fail herein, they shall be liable to a fine of ten dollars for every twenty-four hours it is suffered to remain, after allowing a reasonable time to remove the same; to be recoverable by indictment or presentment, in the Jefferson circuit court, and shall moreover be liable to any person sustaining any injury.

SEC. 18. *Be it further enacted*, That the Legislature re-

serves the right to amend this charter, so as to secure the navigation of the Ohio river free from any injury."

Now therefore, to ratify and confirm the aforesaid act of the Legislature of the state of Kentucky, herein recited as aforesaid, on the following conditions;—

Ratification
of the act of
Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the power, authority, rights, privileges, and immunities granted to Robert Brackenridge, John S. Snead, John J. Jacob, Robert Graham, Levi Tyler, Robert Ormsby, Edward Shippen, William D. Payne, Basil N. Hobbs, Philip R. Gray, James McG. Cuddy, James Hughes, John B. Bland, Daniel Smith, William H. Pope, James C. Johnston, Samuel Bell, Jonathan Jennings, Benjamin Parke, Samuel Gwathmey, John P. Tunstall and William D. Beach, and their associates, by an act of the Legislature of the state of Kentucky, passed December, eighteen hundred and thirty-one, entitled, "An act to incorporate a company to build a bridge across the Ohio river at the Falls," shall be, and the same are hereby granted and confirmed, under the like limitations and restrictions, as contained in said recited act; *Provided however,* That said company shall lay before the Legislature of this state, a correct statement of the costs of constructing said bridge, and an annual statement of the tolls received for passing the said bridge, and of keeping the same in repair, and of the other expenses of the company, and shall from time to time, reduce the tolls as provided in said recited act.

Proviso.

Right reserved
to Indiana,
to amend
charter, &c.

SEC. 2. The state of Indiana reserves to herself, an equal right with the state of Kentucky, to amend the charter of incorporation, so as to secure the navigation of the Ohio river, free from any injury; and the amendment so made by one state, shall not take effect and be in force, until the concurrence of the other state.

Concurrent
jurisdiction to
try causes,
&c.

SEC. 3. The circuit courts of the counties of Clark and Floyd, and such other inferior courts of competent jurisdiction therein, shall have equal jurisdiction of all offences committed in either county, as fully and completely, as is provided for the jurisdiction of the Jefferson circuit court, by the seventeenth section of the said act of incorporation.

Shares to be
paid in specie
&c.

SEC. 4. Nothing in this act shall be construed as to authorize any of the shareholders, either state, corporation or individuals, to pay for any of the shares for which they may subscribe, in any thing but specie or its equivalent, except otherwise agreed to by the Legislatures of the states of Kentucky and Indiana.

SEC. 5. The state of Indiana shall have the right of subscribing, by any authorized agent or agents, for the num-

ber of shares of the stock of said company, or any part thereof, as provided in said act of Kentucky, within three years from the passage of this act.

Right of Indiana to subscribe for stock.

SEC. 6. This act shall not be in force until the act of the General Assembly of the state of Kentucky, incorporating the bridge company aforesaid, regularly authenticated, under the seal of the state aforesaid, shall be filed and recorded in the office of the Secretary of state, of this state.

When this act shall be in force.

CHAPTER CXLIV.

An Act to incorporate the Lawrenceburgh and Indianapolis Rail Road Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That David Guard, Thomas Shaw, George H. Dunn and John Test, of the said town of Lawrenceburgh; Daniel Plummer, William Purcell and Pinkney James of the county of Dearborn; Robert M. Johnson and Henry A. Reid, of Ripley county; Martin Adkins, Nathan D. Gallion and James Freeman, of Decatur county; John Walker and John Hendricks of Shelby county; and Nicholas McCarty and Benjamin I. Blythe of the town of Indianapolis, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "the President and Directors of the Lawrenceburgh and Indianapolis Rail Road Company," shall be able and capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

First directors.

Corporate name and powers.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each.

Stock and shares.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body, to be president; and after such organization,

President.

Quorum. any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Agents, clerks &c. **Records how kept.** **Vacancies.** **SEC. 4.** The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists and all other officers and persons, necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall from time to time, be read by the board, and if found correct, shall be signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body.

Books, subscriptions &c. **Form of subscriptions.** **SEC. 5.** The corporation shall cause books to be opened for subscription to the capital stock, at such time, and such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made, "We, the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions, and at such time as the president and directors of the Lawrenceburgh and Indianapolis Rail Road Company may direct." Witness our hands, this day of 183.

Who may be stockholders, terms of subscription, &c. **SEC. 6.** It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be reopened at any time; and they may by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their own credit, to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall be made known, by being inserted in the notice for opening the books, and any future payments on the stock, shall be under the control of the corporation.

Notice of election. **First election of directors.** **SEC. 7.** As soon as five hundred shares are subscribed, and ten dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in one or more newspapers, and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this state:

which election shall be held within three months after the last share in the five hundred was subscribed for, and shall be conducted by two judges, appointed by the stockholders present, and the persons having the plurality of the votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections, each share shall entitle the holder to one vote, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first, shall be held on the first Monday of September annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting; or by the stockholders present, of which election notice shall be given; *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors, for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice, in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices, the amount on each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect

Votes, how given.

President.

Annual elections.

Certificates of stock, and how transferred.

Installments, and how enforced.

Forfeiture of stock.

or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied.

Bonds of officers.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

Route of road

SEC. 13. The corporation by their agents, shall have full power, from time to time, to examine, survey, mark and locate the route for a rail road, for a single or double track, commencing at, or near Lawrenceburgh, in Dearborn county, and running on the best ground for the interest of the company, and the convenience of the public, by Napoleon in Ripley, and Greensburgh, in Decatur county, to Indianapolis, in Marion county; with full power in all cases to diverge from a direct line, where more favourable ground can be had for the construction of the road; the same to be not more than eighty feet in width.

Company may take materials, by paying the value, &c.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Relinquishments of land, materials &c.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land, as may be necessary for the construction and location of the road, as also, the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials, that may be obtained from any other land near thereto, and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labour, property, stone,

gravel, wood or other materials, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons, capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath, faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shewn, and in case either party should show sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, that either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 17. And in all cases, where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person should attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying there-

Damages for passing thro' land, &c. how ascertained and collected.

Proceedings where the owner is a minor, or insane.

with, by the payment of costs or damages, awarded against them, the corporation shall be seized of the lands or materials. Costs shall be allowed or awarded against either party, at the discretion of the justice.

Route may be laid on state or county road.

SEC. 18. That if it should be found necessary and advantageous, to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right, and the said commissioners, are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, that such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

Right of way vested in corporation.

SEC. 19. That when said corporation shall have procured the right of way, as herein before provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb or injure any of the rights and privileges, hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Time of commencement & completion of road.

SEC. 20. The corporation shall commence the construction of said road, any time within three years, and from time to time, construct so much towards the point of destination, as may be within the ability and to the interest of the company, and shall complete it within twelve years from its commencement: *Provided*, that if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shewn, give further time to complete the same.

State or county road shall not be obstructed.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road, now established, shall cross, or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state or county road shall not be obstructed, and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, that such owner of land shall not injure or obstruct said road.

Kind of carriages to be used.

SEC. 22. It shall be lawful for said corporation, to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce.

lumber, goods, wares and merchandize, or any other kind of property. And for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware-houses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Locks, bridges, es, &c.

Tolls.

SEC. 23. The corporation may charge and receive such tolls and freights, for the transportation of persons, commodities and carriages on said road or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Tolls.

Rates to be posted.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum invested, and six per centum per annum interest thereon, the legislature may so regulate the tolls and freights, that not more than fifteen per centum per annum on the capital, shall be divided, and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state, for the use of common schools; but the corporation shall not be compelled by any law, to reduce the tolls and freights, so that a dividend of fifteen per centum cannot be made: and it shall be the duty of the corporation, to furnish the legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

Legislature may limit tolls, when, &c.

Corporation shall report cost of construction legislature.

SEC. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses, and the corporation may reserve such proportion of the profits, as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

Semi annual dividends.

SEC. 26. That if any person or persons, shall wilfully and knowingly, injure or obstruct said road or any part thereof, or shall break, destroy or deface, any work, edifice, device, toll or ware house belonging thereto, such per-

Penalty for injury to road &c.

son or persons so offending, shall pay to the corporation three times the amount of the damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, that all actions commenced by the corporation for the recovery of damages, and all actions commenced against such corporation for the recovery of damages, shall be commenced within six months, from the time such cause of action accrued, and not after.

Limitation of actions.

State's right to take 500 shares.

Counties may take stock.

Annual statements.

General meetings.

Intersecting roads.

Free transportation.

Stock may be increased.

Plat of Road.

Road out of repair one

SEC. 27. The state reserves the right to subscribe for five hundred shares of the stock, any time within nine years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners of each and every county through which said road may pass, for and on behalf of such county, to authorize, by an order, as much of the stock to be taken, as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of the stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in such notice the object of the call, and a majority of the stock being represented, they may make such order, relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may, by contract, admit the intersection with the said road, with any other rail, turnpike, or any other road, or any collateral road.

SEC. 32. The state in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of the secretary of state, and from and after that time, it shall not be lawful for said corporation, to alter or change any part of said location, unless said corporation pays to the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

SEC. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year,

unless when the same is repairing, this charter shall be taken and considered as forfeited. year, shall forfeit charter.

SEC. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act, nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium.

Restricted from mercantile and banking transac-

SEC. 37. This act to be in force from and after its passage, and it shall be taken to be a public act, and shall be favorably construed for all beneficial purposes.

CHAPTER CXLV.

An Act to incorporate the Madison, Indianapolis and Lafayette Rail Road Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Robinson, Nelson Lodge, John Sheets, John King, John Alling, William Dutton, John Woodburn, J. F. D. Lauier, John P. Paul, Richard Hubbard, Robert B. Mitchel, John H. Bowen, and John Wallace, of the county of Jefferson, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of "the President and Directors of the Madison, Indianapolis and Lafayette Rail Road Company," shall be able and capable in law, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change or renew at pleasure, and shall be able and capable in law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

First directors.

Corporate name and powers.

Seal.

SEC. 2. The capital stock of said corporation shall be one million of dollars, divided into shares of fifty dollars each.

Stock and shares.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president; and after such organization, any

President.

three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Sec. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect, the objects of this act; they shall keep a journal of their proceedings, in which shall be entered, all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen in their own body.

Sec. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such times and such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made; "We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportion, and at such time, as the president and directors of the Madison, Indianapolis and Lafayette rail road company may direct. Witness our hands, this day of 183 ."

Sec. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be reopened at any time, and they may, by an agent, offer for sale, in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, (not exceeding five dollars on each share) as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books; any future payments on the stock shall be under the control of the corporation.

Sec. 7. As soon as five hundred shares are subscribed for, and ten dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in one or more newspapers, and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this

state, which election shall be held within three months after the last share of the five hundred was subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the person having the plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote, at any election, unless the same shall have been held one month previous to the election; in all elections each share shall entitle the holder to one vote; and votes may be given by persons owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States, or any person having a right to vote, may vote by proxy.

Sec. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

Sec. 9. All elections after the first shall be held on the first Monday in September annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given; *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Sec. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

Sec. 11. The corporation shall have power to call for such proportions of the stock subscribed, (not exceeding twenty-five per cent. of the amount of stock, every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper, printed nearest the place where the majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall

Votes how given.

President.

Annual elections.

Certificates of stock, and how transferred.

Installments, and how enforced.

be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation, and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents, shall have full power from time to time, to examine, survey, mark and locate the route for a rail road, for a single or double track, commencing at the town of Madison, in Jefferson county, and running on the best ground for the interest of the company, and the convenience of the public, to the town of Indianapolis, and from thence to the town of Lafayette in Tippecanoe county; with full power in all cases to diverge from a direct line, where more favourable ground can be had for the construction of the road, the same to be not more than eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road, but no stone, gravel, wood, or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction, and location of the road, as also the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts,

Forfeiture of stock.

Bonds of officers.

Route of road

Company may take materials for road, by paying the value, &c.

Relinquishment of land, materials &c.

grants, and bequests, land, money, labour, property, stone, gravel, wood or other materials, for the benefit of said corporation. And also such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court having competent jurisdiction, to compel the observance of the same; *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation, to give notice to some justice of the peace, in the county where such difficulty exists, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighbourhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same; and shall report thereon, whether such person is entitled to damages or not; and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should shew sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs; *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notices, said justice shall adjourn the same, until that day two weeks, at which time he shall proceed as though such person or persons had been duly notified to attend, and on

Damages for passing through land, taking materials, &c. how ascertained and collected.

Proceedings where the owner is a minor, or insane.

such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

Route may be laid on state or county road.

SEC. 18. That if it should be found necessary and advantageous to the location and continuation of said road, the corporation shall have the right to lay the same, along and upon any state or county road: *provided, however,* that before the location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also,* that such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

Right of way vested in corporation.

SEC. 19. That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere with, molest, disturb or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Time of commencement and completion of the road.

SEC. 20. The corporation shall commence the construction of said road, at Madison, any time within three years, and from time to time construct so much thereof, towards the point of destination, as may be within the ability, and to the interest of the company; *Provided,* That the part of said road which lies between Madison and Indianapolis, shall be completed within ten years after its commencement, and that part which lies between Indianapolis and Lafayette, within five years thereafter; *Provided,* That if the road should not be completed within the time aforesaid, the General Assembly may for good cause shewn, give further time to complete the same.

State or county road shall not be obstructed.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road now established, or may hereafter be established, shall cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state or county road, shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right free of any charge to cross the same, and to make such causeways as may be necessary for the convenience of such owner;

Provided, That such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware houses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole is not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

Kind of carriages used on the road.

Locks, bridges, &c.

Tolls.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure; *Provided,* That the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Rates to be posted.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum on the capital, shall be divided; and the surplus profits, if any, after paying the expenses, and reserving such proportions as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by any laws, to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation, to furnish the Legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made, under the oath of the officer, whose duty it shall be to make the same.

Legislature may limit tolls, when &c.

Corporation shall report the costs of construction, to legislature.

SEC. 25. Half yearly dividends of so much of the profits, as the corporation may deem expedient, shall be made on the first Mondays in January and July, annually, (unless the directors fix on a different day,) and paid to the several stockholders, as soon thereafter as it can with convenience be done; but no dividend shall be made, to a greater amount than the nett profits after deducting all expenses; and the corporation may reserve such proportion of the pro-

Semi-annual dividends.

fits as a contingent fund, to meet subsequent expenditures as they shall deem proper.

Penalty for
injury to
road, or ap-
purtenances.

Limitation of
action.

State's right
to subscribe
1000 shares.

County's right to sub- scribe.

Annual state-
ments.

General meetings.

Intersecting
roads.

Free trans-
portation.

Stock may be increased.

Plat of the
road.

Sec. 26. That if any person or persons shall wilfully and knowingly, injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or ware house belonging thereto, such person or persons so offending, shall pay to the corporation, three times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction; *Provided*, That all actions commenced by the corporation, for the recovery of damages, and all actions commenced against said corporation for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. The state reserves the right to subscribe for one thousand shares of the stock, any time within twelve years from the commencement of the work.

Sec. 28. It shall be lawful for the county commissioners, of each and every county through which said road may pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

Sec. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice, in one or more newspapers, and specifying in such notice, the object of the call; and a majority of all the stock being represented, they may make such order relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may, by contract, admit the intersection with said road, of any other rail road, turnpike, or other road, or any collateral road.

SEC. 32. The state in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number, not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same, to be deposited in the office of the secretary of state; and from and

after that time, it shall not be lawful for said corporation, to alter or change any part of said location, unless said corporation pays to the owner or owners of lands on said changed route, the amount of damages they may sustain by such relocation.

SEC. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassible for one year, (unless when the same is repairing,) this charter shall be taken and considered as forfeited.

Sec. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the object contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium.

SEC. 37. This act to be in force from and after its passage, and it shall be taken to be a public act, and shall be favourably construed for all beneficial purposes.

CHAPTER CXLVI.

An Act to incorporate the Ohio and Lafayette Rail Road Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That Elias Ayres, of Floyd county, Eli W. Mallott, Beebe Booth, Henry Young, and Samuel Peck, of Washington county, Moses Fell and John Lowry, of Lawrence county, John Owens and John Borland of Monroe county, James M. H. Allison of Owen county, Lewis H. Sands and Isaac Ash, of Putnam county, John Wilson of Montgomery county, and Jacob Walker of Tippecanoe county, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic; and by the name and style of "the President and Directors of the Ohio and Lafayette Rail Road Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts, and enforce the same; and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the object contemplated*

First directors.

Corporate name and powers.

by the same, not inconsistent with the laws and constitution of the state.

Stock and
shares.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each.

President.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body, to be president; and after such organization, any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Quorum.

Agents, clerks
&c.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists and all other officers and persons, necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall from time to time, be read by the board, and if found correct, shall be signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body.

Records how
kept.

Vacancies.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time, and such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made, "We, the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions, and at such time as the president and directors of the Ohio and Lafayette Rail Road Company may direct." Witness our hands, this day of 183.

Books, sub-
scriptions &c.

Form of sub-
scriptions.

Who may be
stockholders,
terms of sub-
scription, &c.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be reopened at any time; and they may by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their own credit, to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but such requisition shall

be made known, by being inserted in the notice for opening the books, and any future payments on the stock, shall be under the control of the corporation.

SEC. 7. As soon as five hundred shares are subscribed, and ten dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in one or more newspapers, and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this state; which election shall be held within three months after the last share in the five hundred was subscribed for, and shall be conducted by two judges, appointed by the stockholders present, and the persons having the plurality of the votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections, each share shall entitle the holder to one vote, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States; or any person having a right to vote, may vote by proxy.

Notice of
election.

First election
of directors.

Votes, how
given.

SEC. 8. It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

President.

SEC. 9. All elections after the first, shall be held on the first Monday of September annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting; or by the stockholders present, of which election notice shall be given; *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors, for the first election, it shall be lawful to hold the election on any other day.

Annual elec-
tions.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

Certificates of
stock, and
how trans-
ferred.

Instalments,
and how en-
forced.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice, in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices, the amount on each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied.

Forfeiture of
stock.

Bonds of offi-
cers.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

Route of road

SEC. 13. The corporation by their agents, shall have full power, from time to time, to examine, survey, mark and locate the route for a rail road, for a single or double track, commencing at, or near the Falls of the Ohio river, and running on the best ground for the interest of the corporation and the convenience of the public, to Salem, in Washington county, thence through the counties of Lawrence, Monroe, Owen, Putnam, and Montgomery to Lafayette in Tippecanoe county: with full power in all cases to diverge from a direct line, where more favourable ground can be had for the construction of the road; the same to be not more than eighty feet in width.

Company
may take ma-
terials, by
paying the
value, &c.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Relinquish-
ments of land,
materials &c.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land, as may be necessary for the construction and location of the road, as also, the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials, that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labour, property, stone, gravel, wood or other materials, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing, by any person or persons, capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath, faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shewn, and in case either party should show sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, that either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final.

Damages for
passing thro'
land, &c. how
ascertained
and collected.

SEC. 17. And in all cases, where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person should attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages, awarded against them, the corporation shall be seized of the lands or materials. Costs shall be allowed or awarded against either party, at the discretion of the justice.

Proceedings where the owner is a minor, or insane.

SEC. 18. That if it should be found necessary and advantageous, to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however,* that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and such commissioners, are hereby vested with power to grant the same, by an order entered on their records: *And provided also,* that such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

Route may be laid on state or county road.

SEC. 19. That when said corporation shall have procured the right of way, as herein before provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere with, molest, disturb or injure any of the rights and privileges, hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Right of way vested in corporation.

SEC. 20. The corporation shall commence the construction of said road at either end, at the discretion of the corporation, any time within three years after the passage of this act, and may from time to time construct so much thereof as may be within the ability, and to the interest of the corporation; *Provided,* That the said road shall be completed within twelve years from its commencement, or in either case, so far completed as to admit travel thereon; *Provided,* That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shewn, give further time to complete the same.

Time of commencement & completion of road.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road, now or hereafter established, shall cross the rail road, to make and keep in

repair, good and sufficient causeways, so that the free use of said state or county road shall not be obstructed; and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided,* that such owner of land shall not injure or obstruct said road.

Kind of carriages to be used.

SEC. 22. It shall be lawful for said corporation, to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize, or any other kind of property. And for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware-houses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Locks, bridges, &c.

Tolls.

Tolls.

SEC. 23. The corporation may charge and receive such tolls and freights, for the transportation of persons, commodities and carriages on said road or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided,* that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Rates to be posted.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freights, that not more than fifteen per cent per annum on the capital, shall be divided; and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state, for the use of common schools; but the corporation shall not be compelled by any law, to reduce the tolls and freights, so that a dividend of fifteen per centum cannot be made: and it shall be the duty of the corporation, to furnish the legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

Legislature may limit tolls, when, &c.

Corporation shall report cost of construction to legislature.

Semi-annual dividends.

SEC. 25. Half yearly dividends of so much of the pro-

fits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the corporation may reserve such proportion of the profits, as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

Penalty for
injury to road
&c.

SEC. 26. That if any person or persons, shall wilfully and knowingly, injure or obstruct said road or any part thereof, or shall break, destroy or deface, any work, edifice, device, toll or ware house belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of the damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, that all actions commenced by the corporation for the recovery of damages, shall be commenced within six months, from the time such cause of action accrued, and not after.

Limitation of
actions.

State's right
to take 500
shares.

SEC. 27. The state reserves the right to subscribe for five hundred shares of the stock, any time within nine years from the commencement of the work.

Counties may
take stock.

SEC. 28. It shall be lawful for the county commissioners of each and every county through which said road may pass, for and on behalf of such county, to authorize, by an order, as much of the stock to be taken, as they may think proper.

Annual state-
ments.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

General
meetings.

SEC. 30. Any number of the stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in such notice the object of the call, and a majority of all the stock being represented, they may make such order, relative to the concerns of the company, as a majority may determine.

Intersecting
roads.

SEC. 31. The corporation may, by contract, admit the intersection with the said road, of any other rail, turnpike, or other road, or any collateral road.

Free trans-
portation.

SEC. 32. The state in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road.

Stock may be
increased.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may, at any

general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of the secretary of state, and from and after that time, it shall not be lawful for said corporation, to alter or change any part of said location, unless said corporation pays to the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

Plat of Road.
Road out of
repair one
year, shall for-
feit charter.

SEC. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act, nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium.

Restricted
from mercan-
tile and bank-
ing transac-
tions.

SEC. 37. This act to be in force from and after its passage, and it shall be taken to be a public act, and shall be favorably construed for all beneficial purposes.

CHAPTER CXLVII.

An Act to incorporate the Wabash and Michigan Rail Road Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William C. Linton, of Vigo county, Israel T. Canby, Isaac C. Elston, and Jonathan W. Powers, of Montgomery county, Samuel Milroy of Carroll county; John Taylor and Thomas T. Benbridge, of Tippecanoe county; James Blair of Vermillion county; James Armstrong and William Crumpton of Fountain county; Abraham P. Andrews, of Dearborn county; John Egbert and Charles Vail of St. Joseph county, and Daniel Sigler and Joseph Orr of Putnam county, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, and by the name and style of "the President and Directors of the Wabash and Michigan Rail Road Company," shall be able and capable, in law and equity, to sue and be sued, plead and be

Corporate
name and
powers.

Tippecanoe
White
Palaski
Stark
LaPorte

Seal.

impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law, to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

Stock and shares.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each.

President.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body to be president; and after such organization, any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Quorum.

Agents clerks, &c.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect, the objects of this act; they shall keep a journal of their proceedings, in which shall be entered, all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen in their own body.

Records how kept.

Vacancies.

Books, subscriptions, &c.

Form of subscriptions.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such times and such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made; "We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportion, and at such time, as the president and directors of the Wabash and Michigan Rail Road Company may direct. Witness our hands, this day of 183 ."

Who may be stockholders, terms of subscription, &c.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be reopened at any time, and they may, by an agent, offer for

sale, in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, (not exceeding five dollars on each share) as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books; any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as two hundred shares are subscribed for, and ten dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in one or more newspapers, and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this state, which election shall be held within three months after the last share in the two hundred shall have been subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the person having the plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote, at any election, unless the same shall have been held one month previous to the election; in all elections each share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States, or any person having a right to vote, may vote by proxy.

Notice of election.

First election of directors.

Votes how given.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

President.

SEC. 9. All elections after the first, shall be held on the first Monday in September annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given; *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Annual elections.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk;

Certificates of stock, and how transferred.

the stock shall be transferrable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

Instalments,
and how en-
forced.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, (not exceeding twenty-five per cent. of the amount of stock, every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper, printed nearest the place where the majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation, and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied.

Forfeiture of
stock.

Bonds of offi-
cers.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

Route of road

SEC. 13. The corporation by their agents, shall have full power from time to time, to examine, survey, mark and locate the route for a rail road, for a single or double track, commencing at, or near the town of Lafayette, in Tippecanoe county, and running on the best ground for the interest of the corporation, and the convenience of the public, to the mouth of Dishman or Trail creek, in Laporte county; with full power in all cases to diverge from a direct line, where more favourable ground can be had for the construction of the road, the same to be not more than eighty feet in width.

Company
may take ma-
terials for

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon

any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road, but no stone, gravel, wood, or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Relinquish-
ment of land,
materials &c.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the road, as also the stone, gravel, timber, or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants, or bequests, land, money, labour, property, stone, gravel, wood or other materials, for the benefit of said corporation. And all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court having competent jurisdiction, to compel the observance of the same; *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation, to give notice to some justice of the peace, in the county where such difficulties may exist, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighbourhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same; and shall report thereon, whether such person is entitled to damages or not; and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should shew sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs; *Provid-*

Damages for
passing
through land,
taking mate-
rials, &c. how
ascertained
and collected.

ed, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

Proceedings where the owner is a minor, or insane.

SEC. 17. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notices, said justice shall adjourn the same, until that day two weeks, at which time he shall proceed as though such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the lands or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

Route may be laid on state or county road.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same, along and upon any state or county road: *Provided, however,* that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also,* that such right shall be granted, on condition that the corporation shall leave a sufficiency of such state or county road, in as good repair for common use, as previous to such occupation.

Right of way vested in corporation.

SEC. 19. That when said corporation shall have procured the right of way as herein before provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere with, molest, disturb or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

Time of commencement and completion of the road.

SEC. 20. The corporation shall commence the construction of said road, at either end, at the discretion of the corporation, any time within three years, after the extinguishment of the Indian title, to lands through which the same may pass; and may from time to time construct so much thereof, as may be within the ability, and to the interest of the corporation; *Provided,* That the said road shall be completed within twelve years from its commencement;

Provided also, That if the road should not be completed within the time aforesaid, the General Assembly may for good cause shewn, give further time to complete the same.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road now or hereafter established, shall cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state or county road, shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right free of any charge to cross the same, and to make such causeways as may be necessary for the convenience of such owner; *Provided,* That such owner of land shall not injure or obstruct said road.

State or county road shall not be obstructed.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware houses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole is not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

Kind of carriages used on the road.

Locks, bridges, &c.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure; *Provided,* That the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Tolls.

Tolls.

Rates to be posted.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum on the capital, shall be divided; and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by any law, to reduce the tolls and freights, so that a dividend of fifteen per cent. can-

Legislature may limit tolls, when &c.

Corporation shall report the costs of construction, to legislature.

Semi-annual dividends.

Penalty for injury to road, or ap-
purtenances.

Limitation of action.

State's right to subscribe 500 shares.

County's right to subscribe.

Annual statements.

General meetings.

not be made. And it shall be the duty of the corporation, to furnish the Legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made, under the oath of the officer, whose duty it shall be to make the same.

SEC. 25. Half yearly dividends of so much of the profits, as the corporation may deem expedient, shall be made on the first Mondays in January and July, annually, (unless the directors fix on a different day,) and paid to the several stockholders, as soon thereafter as it can with convenience be done; but no dividend shall be made, to a greater amount than the nett profits after deducting all expenses; and the corporation may reserve such proportion of the profits as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

SEC. 26. That if any person or persons shall wilfully and knowingly, injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or ware house belonging thereto, such person or persons so offending, shall pay to the corporation, three times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction; *Provided*, That all actions commenced by the corporation, for the recovery of damages, and all actions commenced against said corporation for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. The state reserves the right to subscribe for five hundred shares of the stock, any time within nine years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners, of each and every county through which said road may pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice, in one or more newspapers, and specifying in such notice, the object of the call; and a majority of all the stock being represented, they may make such order relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may, by contract, admit the intersection with said road, of any other rail road, turnpike, or other road, or any collateral road. Intersecting roads.

SEC. 32. The state in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road. Free transportation.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number, not less than five. Stock may be increased.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same, to be deposited in the office of the secretary of state; and from and after that time, it shall not be lawful for said corporation, to alter or change any part of said location, unless said corporation pay to the owner or owners of lands on said changed route, the amount of damages they may sustain by such relocation. Plat of the road.

SEC. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassible for one year, (unless when the same is repairing,) this charter shall be taken and considered as forfeited. Road out of repair one year, shall forfeit charter.

SEC. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the object contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any description, to pass as a circulating medium. Restrained from banking and mercantile transactions.

SEC. 37. This act to be in force from and after its passage, and it shall be taken to be a public act, and shall be favourably construed for all beneficial purposes.

CHAPTER CXLVIII.

An Act to incorporate the Harrison and Indianapolis Rail Road Company.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Godley and John D. Moore of Dearborn county, George Sutton, Richard Tyner, David Mount and John P. Case, of Franklin county, Reu Pugh, William B. Laughlin, and William S. Bussell, of Rush county, David Tracy of Shelby county, and Isaac N.

First directors.

*Dearborn
Franklin
Rush
Shelby
Shelby*

Corporate
name and
powers.

Phipps, Harvey Bates and Alfred Harrison, of Marion county, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "the President and Directors of the Harrison and Indianapolis rail road Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change, or renew at pleasure; and shall be able and capable in law to make contracts, and enforce the same; and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

Stock and
shares.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each.

President.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree on, and organize said corporation, by electing one of their own body, to be president; and after such organization, any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

Quorum.

Agents, clerks
&c.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists and all other officers and servants necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ, which journal shall from time to time, be read, corrected and signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore; they shall fill all vacancies that may happen in their own body.

Records how
kept.

Vacancies.

Books, sub-
scriptions &c.

Form of sub-
scriptions.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time, and such place or places as they may choose, due notice of which shall be given; in each of which books the following entry shall be made, "We, the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions, and at such time as the president and directors of the Harrison and Indianapolis Rail Road Company may direct." Witness our hands, this day of

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any state or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places as the corporation shall choose, and may be reopened at any time; and they may by an agent, offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power, on their own credit, to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars, on each share, as they may think proper; but such requisition shall be made known, by being inserted in the notice for opening the books, and any future payments on the stock, shall be under the control of the corporation.

SEC. 7. As soon as five hundred shares are subscribed for, and ten dollars paid on each share, it shall be the duty of the corporation, to give three weeks notice thereof, in one or more newspapers, and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this state; which election shall be held within three months after the last share of the five hundred shares have been subscribed for, and which election shall be by ballot, conducted under the superintendence of one inspector, and two judges, appointed by the stockholders present, and the persons having the highest number of votes for directors, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections, each share shall entitle the holder to one vote only, and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, state, or of the United States; or any person having a right to vote, may vote by proxy.

Who may be
stockholders,
terms of sub-
scription, &c.

Notice of
election.

First election
of directors.

Votes, how
given.

SEC. 8. It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

President.

SEC. 9. All elections after the first, shall be held on the first Monday of September annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders.

Annual elec-
tions.

ders present, of which election notice shall be given; *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors, for the first election, it shall be lawful to hold the election on any other day.

Certificates of stock, and how transferred.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferrable on the books of the corporation only, personally or by an agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall at all times be holden by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due, on a contract made prior to such transfer.

Instalments, and how enforced.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice, in some weekly newspaper in the state, or by giving written notice to the stockholders; in such notice, the amount of each share demanded, and the time and place of payment shall be set forth, and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully paid and satisfied.

Forfeiture of stock.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

Bonds of officers.

SEC. 13. The corporation by their agents, shall have full power, from time to time, to examine, survey, mark and locate the route for a rail road, from the town of Harrison, in Dearborn county, through Brookville and Rushville, to Indianapolis, the seat of government of Indiana, on the most eligible and suitable ground, for a single or double track, commencing at the said town of Harrison, with full

Route of road

power in all cases to diverge from a direct line between the points above named, where more favourable ground can be had for the construction of said road; the same not to be more than sixty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Company may take materials, by paying the value, &c.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land, as may be necessary for the construction and location of the road, as also, the stone, gravel, timber, and other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials, that may be obtained from any lands near thereto; to receive by donations, gifts, grants or bequests, lands, money, labour, property, stone, gravel, wood or other materials, for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, or bequests, made and entered into in writing, by any person or persons, capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

Relinquishments of land, materials &c.

SEC. 16. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such circumstances may occur, or exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath, faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon, whether such person is enti-

Damages for passing through land, &c. how ascertained and collected.

tioned to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shewn, and in case either party should show sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, that either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final.

Proceedings where the owner is a minor, or insane.

SEC. 17. And in all cases, where the owner or owners of such lands and materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person should attend on the day named in said notices, said justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages, awarded against them, the corporation shall be seized of the lands or materials. Costs shall be allowed or awarded against either party, at the discretion of the justice.

Route may be laid on state or county road.

SEC. 18. That if it shall be found necessary and advantageous, to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however*, That before such location shall be made, the corporation shall apply to the county commissioners in their respective counties, through which the said road shall run for such right; and the said county commissioners are hereby vested with power to grant to said corporation such right, and shall enter the same on their records: *And provided also*, That such right shall be granted on condition, that said corporation shall leave a sufficiency of such state or county road, in as good repair for common use, as previous to such occupation.

Right of way vested in corporation.

SEC. 19. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere with, molest, disturb or injure any of the rights and privileges, hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said rail road within three years from the passage of this act, and complete the same within twelve years from its commencement; *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shewn, give further time to complete the same.

Time of commencement & completion of road.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road, now established, shall cross the said rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state or county road shall not be obstructed; and in all cases where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, that such owner of land shall not injure or obstruct said road.

State or county road shall not be obstructed.

SEC. 22. It shall be lawful for said corporation, to place on or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares and merchandize, or any other kind of property. And for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and ware-houses, as may be considered necessary for the interest of the company and the convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole may not be finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid as to admit carriages thereon.

Kind of carriages to be used.

Locks, bridges, &c.

Tolls.

SEC. 23. The corporation may charge and receive such tolls and freights, for the transportation of persons, commodities and carriages on said road or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Tolls.

Rates to be posted.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum of the capital invested, and six per cent. per annum interest thereon, the legislature may so regulate the tolls and freights, that not more than fifteen per cent per annum on the capital stock, shall be divided; and the surplus profits, if any, after paying the expenses, and reserving such proportions as may be necessary for future contingencies, shall be paid over to the treasurer of

Legislature may limit tolls, when &c.

state, for the use of common schools; but the corporation shall not be compelled by any law, to reduce the tolls and freights, so that a dividend of fifteen per centum cannot be made: and it shall be the duty of the corporation, to furnish the legislature at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

SEC. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the corporation may reserve such proportion of the profits, as a contingent fund, to meet subsequent expenditures, as they shall deem proper.

SEC. 26. That if any person or persons, shall wilfully and knowingly, injure or obstruct said road or any part thereof, or shall break, destroy or deface, any work, edifice, device, toll or ware house belonging thereto, such person or persons so offending, shall pay to the corporation three times the amount of the damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, that all actions commenced by the corporation for the recovery of damages, and all actions commenced against said corporation for the recovery of damages, shall be commenced within six months, from the time such cause of action accrued, and not after.

SEC. 27. The state reserves the right to subscribe for five hundred shares of the stock, any time within nine years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners of each and every county through which said road may pass, for and on behalf of such county, to authorize, by an order, as much of the stock to be taken, as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in such notice the object of the call, and a majority of all the stock being represented, they may

Corporation shall report cost of construction to legislature.

Semi-annual dividends.

Penalty for injury to road &c.

Limitation of actions.

State's right to take 500 shares.

Counties may take stock.

Annual statements.

General meetings.

make such order, relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may, by contract, admit the intersection with the said road, of any other rail, turnpike, or other road, or any collateral road, and shall have power to contract with any rail road company, or persons or body politic or corporate, who may be authorized to construct a rail road from the city of Cincinnati, in the state of Ohio, to the line of said state, at or near the town of Harrison, in Dearborn county, to join and unite their said rail road at the line, between the said states of Ohio and Indiana, in order to continue the line of said rail road, from that place to Indianapolis, running through Brookville and Rushville, to the said town of Indianapolis, the seat of government of Indiana, on such terms, and in such manner as shall comport with the views of the contracting parties, and the general interest of the public, and not inconsistent with the provisions of this act.

SEC. 32. The state in time of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the said road, or any particular section thereof shall be located, it shall be the duty of said corporation, to cause a plat or plats thereof, to be deposited in the office of the secretary of state, and after that time, it shall not be lawful for said corporation, to alter or change any part thereof, unless said corporation pays the owner or owners of land on said changed route, the amount of damages they may sustain by such change.

SEC. 35. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 36. The corporation shall in no case, either directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act, nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of issuing bills of credit, or bills of any other description, to pass as a circulating medium.

SEC. 37. This act to be in force from and after its passage, and it shall be taken and considered a public act, in all courts of record within, and out of this state, and shall be favorably construed for all beneficial purposes.

Intersecting roads.

Free transportation.

Stock may be increased.

Plat of Road.

Road out of repair one year, shall forfeit charter.

Restricted from mercantile and banking transactions.

CHAPTER CXLIX

An Act to incorporate the New-Albany, Salem, Indianapolis and Wabash Rail Road Company.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of making and completing a rail-road, from a point on the Ohio river, through the town of New-Albany and Greenville, in the county of Floyd; and through Salem, Brownstown, Rockford, Columbus, Edinburg, Franklin, and Indianapolis; and from thence in a north-western direction to the Wabash river, it shall be lawful to open books for receiving and entering subscriptions for stock, to the amount of five hundred thousand dollars, to be divided into shares of fifty dollars each, under the management and superintendence of Mason C. Fitch, David M. Hale, Elias Ayres, James R. Shields, Harvey Scribner, John K. Graham and David R. Porter, of the county of Floyd, Eli W. Malott, of the county of Washington, Samuel Wort and Meedy W. Shields, of the county of Jackson, R. Treadway, Philip Sweetser, of the county of Bartholomew, Samuel Herriott and Joseph Young, of the county of Johnson, and A. C. Reid, of the county of Marion, at such times and places as they, or any four of them, may deem expedient; of which time and place they shall give at least thirty days notice in some newspaper printed in or near the place where such books are opened; and they shall continue open for sixty days at each place, unless the amount of stock shall be sooner subscribed; and if at the expiration of the time, the whole number of shares shall not be subscribed for, then it shall be lawful for the said commissioners to adjourn from time to time, and from place to place, until the whole number of shares shall be subscribed; of which adjournment they shall give such public notice as the occasion may require: *Provided*, that every person offering to subscribe to the said stock, shall previously pay to the attending commissioner, the sum of five dollars for every share by him subscribed, out of which shall be paid the expenses attending the taking such subscriptions, and other incidental expenses, and the remainder shall be paid by the commissioners aforesaid, to the treasurer of the corporation hereby created, as soon as the same shall be organized and the officers chosen as herein-after mentioned.

SEC. 2. *And be it further enacted*, That whenever one thousand shares shall be subscribed as aforesaid, the persons so subscribing, and those who may thereafter subscribe

Route of road.

Books, subscriptions, &c. stock and shares.

Commissioners and their duties.

Floyd
Clark
Washington
Jackson
Bartholomew
Johnson
Marion

Payment of \$5 on each share in advance.

to the stock of the company hereby incorporated, shall be, and they are hereby made and constituted a body politic and corporate, by the name, style and title, of "The New-Albany, Salem, Indianapolis and Wabash Rail-road Company;" and by that name shall be capable of perpetual succession, may sue and be sued, defend and be defended, in law and equity, in all courts whatsoever; may have and use a common seal, such as they shall devise, and the same may alter and change at pleasure; and may make and establish such by-laws, rules and regulations, as shall from time to time appear necessary and convenient for the good government of said corporation, and the due management of their interest, property and affairs: *Provided*, the same be not repugnant to the constitution and laws of this state, or of the United States; and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner as they may devise, or by borrowing or receiving donations of such sums as they may find necessary and convenient for carrying into effect the objects of their creation; and shall be capable also, of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work; and generally, shall have power to do and execute all and singular, the acts, matters and things, which to the said corporation it may appertain to do, under the regulations, restrictions, limitations, and provisions herein prescribed and declared.

SEC. 3. *And be it further enacted*, That the management of the concerns of the said corporation shall be entrusted to a president and twelve directors, who shall be stockholders; and the commissioners named in the first section of this act, or a majority of those of them who may attend to receiving subscriptions, shall designate the time and place of holding the first election for directors, and give reasonable notice thereof; and the said commissioners, or a majority of them as aforesaid, shall be inspectors of said election, and shall certify under their hands, the names of those duly elected, and shall deliver over to them the subscription books; and the directors so elected shall hold their office for one year after their election as aforesaid, and until others shall be elected in their places; and that at the first and all subsequent elections for directors of said company, each share shall entitle the holder to one vote: *Provided*, however, that no [a] transfer of stock, shall have been entered upon the books of the corporation at least ten days previous to the election at which the vote is offered.

Corporate name and powers.

By-laws.

President and directors, and first election for.

Shares and votes.

SEC. 4. *And be it further enacted*, That all elections for directors, after the first, shall be held annually, at such times and places, and under such regulations, as shall be prescribed by the by-laws of the corporation; and the board of directors shall give thirty days notice of every election by advertisement, in at least two newspapers in this state, one of which shall be at Indianapolis; and all elections shall be by ballot, by the stockholders, either in person or by proxy, duly nominated under the hand and seal of the voter who may be absent, and the persons who shall have the greatest number of votes shall be directors: *Provided*, each of their numbers, shall amount to a majority of the whole number given, and all vacancies that may occur by death, resignation or otherwise in the board of directors, shall be filled for the remainder of the term, in which they shall happen, by such person or persons, as the residue of the directors, or a majority of them shall appoint; and the corporation hereby created, shall not be dissolved by reason of not holding an annual election on the day prescribed by the by-laws; but it shall be lawful for the board of directors, to provide for and direct an election on any other day, in case the stockholders shall neglect to make an election on the day fixed by the by-laws; and until such provisional election, the directors for the time being, shall continue to discharge the duties of their office.

SEC. 5. *And be it further enacted*, That the directors shall choose from among themselves, a president; the choice to be made by ballot; and a majority of the votes of the whole number of directors shall be necessary to an election: the president thus elected shall hold his office during the term for which he was elected a director, unless sooner dismissed by the vote of two thirds of all the directors, which vote shall be taken viva voce; and the said directors shall elect or appoint a secretary and treasurer, who shall hold their offices during the pleasure of the board; and a majority of the directors shall be a quorum for the transaction of business; and the said directors shall have power to declare the stock of such persons as shall neglect to pay for the same, according to the terms of the subscription, and all previous payments thereon, to be forfeited to the use of said company, or may sue for and recover from such delinquent subscribers and stockholders, the amount due on such shares, in an action of assumpsit in any court having cognizance thereof, whether any payment shall have been made by such delinquent subscriber on such stock, or not; and no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares, any instalment or arrearages

Annual elections.

Vacancies how filled.

President how chosen.

Secretary and treasurer.

Quorum.

Forfeiture of stock, or suit authorized for default.

may be due and payable, more than thirty days previously to such election or meeting.

SEC. 6. *And be it further enacted*, That the board of directors shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, in the absence of the president, may choose a chairman; and they shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on their intended works, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the stockholders shall pay the monies due on their respective shares, to draw orders on the treasury, provided such orders shall be signed by the president, or in his absence by a majority of the quorum present; and generally to do all such other acts, matters and things as by this act, and by the by-laws and regulations of the company, they may be authorized to do.

SEC. 7. *And be it further enacted*, That the directors first chosen, shall procure certificates or evidence of stock for all the shares of said company, and shall deliver a certificate signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each and every person, for all the shares by him subscribed and held; which certificate or evidence of stock shall be transferrable at the pleasure of the holder, in person or by attorney duly authorized, in presence of the president or treasurer, (each of whom shall keep for that purpose a book) subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every share assigned to him as aforesaid, shall be entitled to a share in the capital stock, and to all the estates and emoluments of the company, incident to such share or shares, and to vote as aforesaid at the meetings thereof, and shall be subject to all the forfeitures, and to being sued for all the balance due, or to become due on each share, as the original subscribers would have been.

SEC. 8. *And be it further enacted*, That the said corporation, shall be, and they hereby are vested with the right and power to construct a rail-road, leading from some suitable point on the Ohio, within the corporation of the town of New-Albany, and thence through Greenville, Salem, Brownstown, Rockford, Columbus, Edinburgh, Franklin, to Indianapolis; and from thence in a north-western direc-

Meetings of directors.

Record of proceedings.

Surveyors, engineers, &c.

Order for money.

Certificates of stock, and transfers.

Assignee's powers.

Location of road.

tion, to the Wabash river, pursuing such courses as may best suit the purposes of said road, making such intermediate points as may hereafter be found necessary, and also to construct branches thereof, connected therewith, in the counties through which it may pass, to transport, take and carry persons and property upon the same by the power and force of steam, of animals, or any mechanical or other power which the said corporation may choose to employ.

General powers as to description of road.

SEC. 9. *And be it further enacted,* That the said president and directors of said company, shall be, and are hereby vested with all the rights and powers necessary for the location, construction and repair of said road, not exceeding sixty-six feet in width, with as many sets of tracks as the said president and directors may deem necessary, and they may cause to be made, or contract with others for making said rail-road or any part of it, and they, their agents or those with whom they may contract for making any part of said road, may enter upon and use, and excavate any land which may be wanted for the site of the same, or the erection of ware-houses, or for other works, necessary and useful in the construction or repair thereof, or its works; and they may build bridges and culverts, fix scales and weights, may lay rails, take and use any earth, timber, gravel, stone or other materials which may be wanted for the construction or repair of the said road, and any part thereof, or any of its works, and may make and construct all works whatsoever, which may be necessary in the construction or repair of the same.

May pass through land and damages therefor, how assessed and collected.

SEC. 10. *And be it further enacted,* That whenever the said lands shall not be obtained by voluntary donation or fair purchase, it shall be lawful for said corporation, by their agents, superintendents or engineers, to enter upon, take possession of, and use all such lands and real estate as shall be necessary for the purpose aforesaid; and in case of disagreement between the president and directors of said company, or their agents, and any person or persons owning land or property which the said corporation may so occupy as aforesaid, or which may be injured by the necessary operations to complete said road, respecting the amount of damages sustained by such person or persons, it shall be lawful for the parties to choose five judicious and suitable persons, who shall be under oath or affirmation, fairly and impartially to estimate the same, and who shall reside within the proper county where the land lies; but if the parties cannot agree upon such persons, or if either party shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him, her or them made, or if the owner of such land shall be feme covert, under age, non compos mentis, or out of the state, or

if the persons or a majority of the persons appointed by the parties, shall not within thirty days after receiving notice of their appointment, file a report of their estimate in the office of the clerk of the court of the county where the land lies, then and in either of these cases, either of the parties may apply to the circuit court of the county where the land lies, and the said court shall award a venire, directed to the sheriff, requiring him to summon a jury of disinterested men, in order to ascertain and report to the said court, under their oath or affirmation, what damages, if any, have been sustained by the owner or owners of said land or property, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, with reasonable costs to be assessed by the court; and it shall be the duty of the jury, or five appraisers, as the case may be, in valuing any land or property, or in estimating the damages done thereto, to take into consideration the advantages derived to the owner or owners of the premises, from said road passing through the same; and it shall further be the duty of the jury, or appraisers, to describe and ascertain the bounds of the lands or premises by them valued, and annex the same to their report or appraisal: *Provided, however,* that either party may appeal to the circuit court of the proper county in which the premises are situated, within thirty days after such report may have been filed in the office of the clerk, in the same manner as appeals are allowed in other cases; and on payment, by the company, to the owner or owners of the premises, of the sum awarded by the five appraisers, or by the report of the jury, or by final judgment on appeal from such report, as the case may be, the said company shall be seized in fee, of the premises, by them occupied and used as aforesaid, as if the same had been conveyed by the owner or owners, to them and their successors in fee, by legal conveyance.

SEC. 11. *And be it further enacted,* That the president and directors of the said corporation, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons, and other carriages and beasts of draught and burthen, may enter upon the lands contiguous and near to the track of the said intended road, giving notice to the owners or occupiers of such lands, and from thence, take and carry away, any stone, timber, gravel, sand, earth or other materials, doing as little damage thereto as possible, and repairing any breach they may make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials so taken away; the amount whereof, if the parties cannot agree, shall be assessed and

May take materials contiguous to road, and damages how ascertained and collected.

valued by any three disinterested free holders, residing in the neighborhood, under oath or affirmation, to be appointed by the parties, or if they cannot agree in their appointment, then to be appointed by any disinterested justice of the peace of the township; and it shall be the duty of the said freeholders, to file a report of their assessment, within seven days after they shall have agreed upon the same, with a neighbouring justice of the peace, by whom the same shall be entered upon his docket; and the said freeholders shall also within the said seven days, notify each of the parties, of the name of the justice of the peace with whom their report has been filed; and either party may appeal from said report, to the circuit court of the county, at any time within thirty days after the same shall have been so filed.

SEC. 12. *And be it further enacted,* That the said president and directors, shall have power and authority to purchase, with the funds of said company, and place on any rail road constructed by them under this act, all machines, wagons, vehicles or carriages of any description whatsoever, which they may deem necessary or proper, for the purposes of transportation on said road; and that they shall have power to charge for tolls (and the transportation of persons) on goods, produce, merchandize or property of any kind whatever, transported by them, or by others along said rail road, such rates as the board of directors shall fix from time to time; *Provided,* That such rates of toll or freight, shall be always kept posted up at least in two conspicuous places on said road. Whenever the aggregate amount of dividends declared, shall amount to the full sum invested, and six per cent. per annum thereon, the Legislature may so regulate the tolls and freight, that not more than fifteen per cent. per annum, on the capital shall be divided, and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state, for the use of common schools; but the corporation shall not be compelled by any law, to reduce the tolls and freights, so that a dividend of fifteen per cent. per annum cannot be made. And it shall be the duty of the corporation to furnish the Legislature, at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same; and the said road or roads, with all their works, profits, and improvements, and all machinery used on said road or roads, for transportation, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the

Vehicles, carriages, &c.

Rates of toll.

Legislature may regulate tolls, when &c.

Report to legislature.

capital stock of said company shall be deemed and considered personal property, reserving however to the state, the right of transporting at any time, troops, provisions, implements and munitions of war free of toll.

Shares deemed personal property.

SEC. 13. The state reserves the right to subscribe for five hundred shares of the stock, any time within eight years from the commencement of the work.

State may take 500 shares.

SEC. 14. It shall be lawful for the county commissioners, of each and every county through which said road may pass, for, and on behalf of such county, to authorize by an order, as much of the stock to be taken, as they may think proper.

Counties may take stock.

SEC. 15. *And be it further enacted,* That it shall be lawful for the said company, to use and enjoy, for the purpose of erecting the said rail road, any county, state, or other public road, which may happen to be in their route, and build their said rail road thereon, leaving thirty feet in width on one side of the said rail road, for the use and benefit of public travel; and in order to secure to the said company, the free and unmolested use of that part of the county, state or other public road, the said company shall be at liberty to survey and mark a plat of so much of the said county, state or other public road, as they may find it convenient to use, which survey and plat shall be presented to the court or board authorized to do county business, in the county where the land lies, and if approved by them, the same shall be recorded among their public roads, noting their various courses and distances; which being done, the land so appropriated by the said company, shall vest in fee in the said corporation; *Provided,* the said company shall not be at liberty to obstruct or injure any public road whatever, farther than shall be unavoidable in the prosecution of the work; and which in a reasonable time shall be removed or repaired.

May lay rail road on any other road.

Proviso.

SEC. 16. *And be it further enacted,* That in all cases where the said rail road shall cross any public road or highway, now established or hereafter to be established, the company hereby incorporated, shall make suitable provision for the passage of wagons, and travel over the rails of said road, and shall not hinder or prevent any person or persons from passing to and from his, her, or their farm or farms, in the ordinary prosecution of business, with the necessary teams, wagons and implements, under such regulations as may be just and reasonable.

Shall not obstruct intersecting road.

SEC. 17. *And be it further enacted,* That in case the whole of the shares of the capital stock of the said company, shall not be subscribed prior to the first election of directors, the said president and directors shall be at liberty thereafter, to sell and dispose of the remaining shares, for the

Remaining shares, how disposed of.

general benefit of the said company, in such manner, and under such rules and regulations as they may prescribe.

Penalty for
injury to road
&c.

SEC. 18. *And be it further enacted,* That if any person or persons, shall wilfully and knowingly do any act or thing, by which the passage of the road shall be impeded, or any machine, carriage, engine, vehicle, property or device whatsoever belonging to the said company, shall be injured or damaged, he, she, or they so offending, shall forfeit and pay to the said corporation, four times the amount of the damages by them sustained, together with costs, to be recovered by action of debt, before a justice of the peace, or any court of competent jurisdiction.

Toll on part
of road com-
pleted.

SEC. 19. *And be it further enacted,* That so soon as any portion of the said road shall be finished, it shall be lawful for the said company to place cars thereon, and move the same by steam, animal or such other power as they may find to suit their convenience, and shall be entitled to receive legal toll, and carriage for persons or property, transported along the said road, for the distance so finished, notwithstanding the whole of the road may not be completed.

Annual and
other meet-
ings.

SEC. 20. *And be it further enacted,* That a general meeting of the stockholders of said company, shall be held annually, at the time and place appointed, for the election of the president and directors of said company; that they may be called at any time during the interval between the said annual meetings, by the president and directors or a majority of them, or by the stockholders owning at least one fourth of the stock subscribed, upon giving thirty days notice in some newspaper most convenient, of time and place of holding the same; and when special meetings shall be called by the stockholders, such notice shall specify the particular object of the call, and if at such called meeting, a majority (in value) of the stockholders of said company are not present in person or by proxy, such meeting shall be adjourned, from day to day, without transacting any business, for any time not exceeding three days, and if within the said three days, stockholders holding a majority in value of the stock subscribed, do not attend, such meeting shall be dissolved.

Annual state-
ments of af-
fairs of com-
pany.

SEC. 21. *And be it further enacted,* That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office, for the preceding year, to exhibit a full and distinct statement of the affairs of the company; that at any called meeting of the stockholders, a majority of those present in person, may require similar statements, from the president and directors, whose duty it shall be to furnish them when thus required.

Dividends.

SEC. 22. *And be it further enacted,* That after the completion of said road, dividends of the nett profits, arising

from every source connected with the said concern, shall be annually made to the stockholders, under the direction of the president and directors of said company, in proportion to the money actually paid by each, on each of their several shares; reserving at all times sufficient funds in the treasury, for making any advisable improvements, or necessary repairs; notice of the time and place of making such dividends, shall be given in at least two newspapers at different places within the state, four weeks previously thereto.

SEC. 23. *And be it further enacted,* That if the said company shall not commence the said rail road herein contemplated, within two years after the passage of this act, or having commenced it, shall fail to complete the same within ten years; then this act shall be null and void, and all power and authority herein granted shall cease and determine; reserving however to the individuals who may compose the company, their right as private citizens, to claim and use or dispose of the property acquired by them as a corporation, in just proportions, according to their several shares, and the money actually paid by each into the general stock; *Provided however,* That if the road should not be completed within the time herein before allowed, the General Assembly may, for good cause shewn, give further time to complete the same.

Time of com-
mencement
and comple-
tion of road.

CHAPTER CII.

An Act to incorporate the Richmond, Eaton, and Miami Rail Road Company.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Cornelius Vanausdal, Joseph C. Hawkins, William Hall, Peter Vanausdal, Benjamin Sayre, David Powell, Abraham Yroxwell, Samuel Caldwell, Jonathan Martin, R. R. Miligan, James M'Bride and Abraham Chittenden, of the state of Ohio; and John Erwin, Warner M. Leeds, and Samuel Shute and Robert Morrison, of the state of Indiana, together with those who may hereafter become stockholders in the manner hereinafter prescribed, their successors and assigns, be, and they are hereby created, a body corporate, by the name and style of "the Richmond, Eaton and Miami Rail Road Company," and shall so continue until the first day of January, in the year nineteen hundred. And by that name and style shall be, and are hereby made capable in law, to have, purchase, receive,

Corporate
name and
powers.

possess, enjoy and retain, to them and their successors and assigns, all such lands, tenements and hereditaments as shall be requisite for their accommodation and convenience, in the transaction of their business, and such as may be in good faith, conveyed to them by way of security, or, in satisfaction of debts, and the same to sell, grant, rent, or otherwise dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record and elsewhere; and also to make, have and use a common seal, and the same to alter, break, renew or change at their pleasure.

SEC. 2. That the said corporation shall be, and they are hereby vested, with the sole and exclusive right and authority, to construct a rail road from the town of Richmond, in the state of Indiana, through Eaton, in the state of Ohio, to some point of termination, on the Miami canal, between the towns of Dayton, in Montgomery county, and Hamilton in Butler county, inclusive, which may hereafter be deemed most eligible and proper, by said company, in the mode which they may adopt for that purpose, to transport, take and carry persons and property upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or any combination of them, which said corporation may choose to employ.

SEC. 3. That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each; *Provided*, no part of the capital stock of said corporation, or any of the proceeds arising therefrom, shall at any time be used, or employed in banking.

SEC. 4. That the above named persons, or any seven of them, are authorized to open books for receiving subscriptions to the capital stock of said corporation, within twelve months after the passing of this act, at such place or places, as they may deem expedient; twenty days notice shall be given by them in the newspapers printed in Richmond, Eaton, and in such other place or places as may be deemed proper, of the time and place of opening the said books; and as soon as said stock shall be subscribed, or one hundred thousand dollars thereof, they shall give a like notice for a meeting of the stockholders to choose directors; at the time and place appointed, nine directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person, or by lawful proxy; each share of the capital stock shall entitle the owner to one vote; the persons named in the first section of this act, or a majority of them, shall be inspectors of such election, and shall certify under their hands what persons are elected directors, and appoint the time and place of holding the first

Power to
construct
road, and its
route.

Stock and
shares.

Prohibited
from banking.

Books, sub-
scriptions &c.

First election
of directors.

meeting of the directors; five directors shall form a board, *Quorum.* and be competent to transact all business of the corporation; a new election of directors shall be made annually, at such time and place as the stockholders, at their first meeting shall appoint; but if no election be made on the day appointed, such election may be held at any other time appointed by the laws of the corporation; and the directors chosen at any election, shall, as soon thereafter as may be convenient, choose, out of that number, one person to be president, and another to be treasurer of said corporation. *Annual elections.*

SEC. 5. That the directors may require payment of subscriptions to the capital stock, at such times, and in such proportions, and on such conditions as they may deem fit, under penalty of a forfeiture of all previous payment thereon, or otherwise, and shall give notice of the payments thus required, of the time when, and place where the same must be made, at least thirty days previous to the day of payment, in the newspapers published in Richmond and Eaton, and such other places as they shall direct. *President and treasurer.*

SEC. 6. That said corporation be, and they are hereby authorized to cause such examinations and surveys to be made by their agents surveyors and engineers, of the ground lying between Richmond, in the state of Indiana and Eaton, in the state of Ohio, and between Eaton and the Miami canal, from Dayton to Hamilton, inclusive, as shall be necessary to determine the most eligible and advantageous route whereon, to construct said rail road; and it shall also be lawful for said corporation, by themselves or lawful agents, to enter upon and take possession of all such lands and real estate, as may be indispensable for the construction and maintenance of said rail road, and the examinations requisite, and appertaining thereto; but all lands or real estate thus entered upon, which are not donations, shall be purchased by the said corporation, of owner or owners thereof, at a place to be mutually agreed upon between them, and in case of disagreement as to the price, it shall be the duty of the county commissioners of the proper county, upon a notice to be given them by said corporation in writing, or upon a like notice claiming damages, to appoint three disinterested freeholders of such county, appraisers, to determine the damages, which the owner or owners of the land or real estate, &c. so entered upon by said corporation, has or have sustained by the occupation of the same; and upon payment by the said corporation, of such damages to the person or persons to whom the same may be awarded as aforesaid, then the said corporation shall be deemed to be, and stand seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said appraisers; and it shall be the duty of the said ap-

Instalments of
stock to be
paid in.

Survey of
route, &c.

May enter
upon lands,
&c. and dam-
ages for, how
assessed and
paid.

praisers, to deliver to the said corporation, a written statement signed by them or a majority of them, of the awards they shall make, containing a description of the land or real estate appraised, to be recorded by the said corporation, in the commissioners office of the county, wherein the land or real estate may be; *Provided*, That either party shall have the right of appealing from the decision of the appraisers, to the court of common pleas, [circuit court] of the proper county, at any time within thirty days after the appraisers shall have made their return as aforesaid; and the said court shall proceed thereon, as in cases of appeals for damages, in the laying out and construction of state roads.

SEC. 7. The said corporation shall have power to determine the width and dimensions of the said rail road, whether it shall be a double or single track, to regulate the time and manner in which goods and passengers shall be transported thereon, and the manner of collecting tolls for such transportation, and to erect, and maintain toll houses and other buildings, for the accommodation of the business of their corporation, as they may deem advisable for their interest.

SEC. 8. That said corporation may construct the rail road across, or upon any road, highway, stream of water, or water course, if the same shall be necessary; but the said corporation shall restore such road, highway, stream of water, or water course, thus intersected to its former state, or in a sufficient manner not to have impaired its usefulness, or value to the owner or the public.

SEC. 9. That the said corporation may demand and receive, from all persons, using or travelling upon the said rail road, the following rates of toll, to-wit; for every ton weight of goods or freight of any description, four cents per mile, for every mile the same shall pass upon the said road, and at a ratable proportion for any greater or less quantity; for every pleasure carriage, or carriage used for the conveyance of passengers, three cents per mile, in addition to the toll by weight, upon the loading; all persons paying the toll aforesaid, may with suitable and proper carriages, use and travel upon the said rail road, subject to such regulations and rules, as the said corporations are authorized to make by the seventh section of this act.

SEC. 10. That if any person or persons, shall wilfully and maliciously injure said rail road, or any building, machine, or other work of the said corporation appertaining thereto, the person so offending, shall forfeit and pay to the said corporation, three times the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance thereof.

SEC. 11. That the appraisers authorized by the sixth section of this act, before they proceed to estimate damages, shall severally take oath or affirmation, faithfully and honestly to discharge that duty, and they shall severally be entitled to demand and receive from said corporation, one dollar per day, for every day they may be necessarily employed.

SEC. 12. That the act of the Legislature of the state of Ohio, passed December 1831, incorporating the company aforesaid, be, and the same is hereby confirmed, ratified and reciprocated.

SEC. 13. That this act shall be taken and received in courts of justice and elsewhere, as a public act.

CHAPTER CLII.

An Act to incorporate the Ohio and Indianapolis Rail Road Company.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Fischli, Henry Hurst, George White, James Mitchell, James Keigwin, Andrew Fite, and William Bowman of the town of Jeffersonville, D. W. Dailley of Charlestown, John Kester, of the county of Jackson, Thomas G. Lee, of the town of Columbus, and James Morrison and James Blake, of the town of Indianapolis, be, and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Ohio and Indianapolis rail road company, hereby incorporated; and they, or a majority of them, may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same, as they may deem proper; and that after the first opening of said books, they shall be kept open for at least thirty successive days, from ten o'clock, A. M. until two o'clock, P. M. and if at the expiration of that period, such a subscription to the capital stock of said company, as is necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said thirty days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of the said company shall be subscribed, if sooner subscribed; and if any of the commissioners shall die, resign, or re-

Oath &c of appraisers to estimate damages.

Act of Ohio ratified.

Commissioners and their duties.

Clark
Jackson
Barthol

Vacancies how filled.

fuse to act, another may be appointed in his stead, by the remaining commissioners, or a majority of them.

Stock and
shares.

SEC. 2. That the capital stock of the said Ohio and Indianapolis rail road company shall be one million of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation, and as soon as one thousand shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of "the Ohio and Indianapolis rail road company;" and by that name shall be capable in law, of purchasing, holding, selling, leasing, and conveying real estate, not exceeding twenty hundred acres of land, and personal and mixed estates, so far as the same shall be necessary for the purposes herein-after mentioned, and no further, and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have, enjoy, and may exercise, all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

How sub-
scriptions
may be re-
duced.

SEC. 3. That if more than ten thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce, by striking off from the largest number of shares, in succession, until the subscriptions are reduced to ten thousand shares.

Payment in
hand, on
shares.

SEC. 4. That at every such subscription, there shall be paid at the time of subscribing to the said commissioners, or their agents appointed to receive such subscription, either in money, or in a note negotiable and payable at some bank, at sixty days date, or longer, at the option of the said commissioners or their agents, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times, as may be required by the president and directors of said company; provided no payment shall be demanded, until at least thirty days public notice of such demand shall have been given by the said president and directors; nor shall more than twenty-five per cent. of each share of stock be called for, in any one year; but if the exigencies of the company should require the payment on the stock, to be made more rapidly than is provided for herein, or should the president and directors, or a majority of the whole number elected, consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of the said company, a sum of money not exceeding three hundred thousand dollars; and if any subscriber shall fail

Instalments
on shares.

or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, for the space of sixty days, next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said president and directors, for the benefit of the company; but the president and directors, by a majority of their whole board, may remit any such forfeiture, on such terms as they shall deem proper.

Forfeiture of
stock for non-
payment.

SEC. 5. That if the subscription herein made necessary to the corporation of said company, shall not be obtained, within the term of five years after the first opening of the subscription books by the said commissioners, this act and all the subscriptions under it shall be null and void; and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions, to the several subscribers, in proportion to the sums respectively paid in by them.

Act shall be
void, if stock
is not taken
in five years.

SEC. 6. That at the expiration of the thirty days for which the books are first opened, if one thousand shares of the capital stock shall have been subscribed, or if not, as soon thereafter as the same may be subscribed, if within five years from the first opening of the books, the said commissioners, or a majority of them shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days public notice thereof; and at such meeting, the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them then present, shall from the stockholders, elect twelve directors by ballot, to manage the affairs of said company, and those twelve directors, or a majority of them, shall have the power of electing a president of said company, either from among the directors, or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions, wherein a vote of the stockholders is to be taken, each stockholder shall be allowed one vote, for every share owned by it, him or her, and every stockholder may depute, in writing, any other person to vote and act for it, him or her, as its, his or her proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

First election
of directors.

President.

Votes accord-
ing to
shares.

SEC. 7. That, to continue the succession of the president and directors of said company, twelve directors shall be chosen annually, on the third Monday in May in every year, in the town of Jeffersonville by the stockholders of said company, and that the directors of said company, or a majority of them, shall have power to appoint judges of all

Annual elec-
tions.

Vacancies in
directors, how
filled.

elections, and to elect a president of said company, either from amongst the directors, or any other stockholder, and to allow him such compensation for his services, as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director, before the year, for which he was elected, has expired, a person to fill such vacant place for the residue of the year, may be appointed by the president and directors of said company, or a majority of them; and that the president and directors of the company, shall hold and exercise their office, until a new election of president and directors; and that all elections which are by this act, or the by-laws of said company, to be made on a particular day, or at a particular time, if not made on such day or such time, may be made at any time, within thirty days thereafter.

General
meetings.

SEC. 8. That a general meeting of the stockholders of said company, may be called, at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days public notice of the time of holding the same; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if at any such call-meetings, a majority (in value) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned, from day to day, without transacting any business, for any time not exceeding three days; and if within said three days, stockholders having a majority of the stocks, do not thus attend, such meeting shall be dissolved.

Annual state-
ment of the
affairs of the
company.

SEC. 9. That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office, for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; that at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority in value of the attending stockholders, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and that at all general meetings of the stockholders, a majority, in value, of all the stockholders in said company, may remove from office, the president or any of the directors of said company, and fill up vacancies thus created, in the same way, and to the same extent that they could do at their stated annual meetings.

President or
director, how
removed, and
vacancy how
filled.

Oath of offi-
cers.

SEC. 10. That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well, and truly discharge the

duties of his said office, to the best of his skill and judgment.

SEC. 11. That if any of the stock created by virtue of this act, shall remain unsubscribed, until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company, which may remain unsubscribed for, or to sell or to dispose of such unsubscribed stock, for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of such stock, shall have all the rights, power and privileges of original subscribers, and shall be subject to the same regulations.

Unsubscribed
stock, how
sold

SEC. 12. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine by contract, the compensation of all the engineers, officers, agents, servants or others, in the employ of the said company, and to regulate by their by-laws the manner of adjusting and settling all accounts against the company; that they, or a majority of them, shall have power to erect buildings for the safe keeping of articles entrusted with them for transportation, and for work-shops necessary for the business of the company; that they, or a majority of them, shall have power to direct the manner, and by what evidence stock in said company may be transferred, and to pass all by-laws, which they may deem necessary or proper for exercising all the power vested in the company hereby incorporated, and for carrying the object of this act into effect: *Provided*, only, that such by-laws shall not be contrary to the laws of the United States, or the laws of this state.

Engineers, a-
gents, &c.

Buildings,
workshops,
&c.

Transfers of
stock.

By-laws.

SEC. 13. That if the capital stock of said company, shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time, to increase the said capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount one million of dollars, for which they may, at their option, cause subscriptions to be received, giving notice in the manner hereinbefore prescribed, or may sell the same, for the benefit of the company, for any sum not under their par value.

Capital stock
may be in-
creased.

SEC. 14. That the president and directors of said company, shall be, and they are hereby invested with all the rights and powers, necessary for the construction and re-

General pow-
ers to con-
struct road,

route thereof, pair of a rail-road from the town of Jeffersonville, near the Falls of the Ohio, by way of Columbus to Indianapolis, not exceeding sixty feet wide, with as many set of tracks, as the said president and directors may deem necessary; and that they may cause to be made, or contract with others, for making said rail road, or any part of it; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon, and use, and excavate any land which may be wanted for the site of said road, or the erection of ware-houses, or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road, or its works; and that they may build bridges, provided the same do not obstruct the navigation on navigable streams; may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of said road, or any part of its works, and may make and construct all works whatsoever, which may, be necessary and expedient in order to the proper completion of said road.

Company may enter on lands contiguous, take materials, &c. and damages therefor how ascertained & collected.

Sec. 15. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or use and occupation of the same; and if they cannot agree, and if the owner or owners of any of them, be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may lie, when such land and materials may be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under hand and seal, directed to the sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related or in any wise interested, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same; and if at said time and place, any of said jurors summoned, do not attend, the said sheriff shall summon immediately, as many jurors as may be necessary with the jurors in attendance, to furnish a panel of twenty jurors in attendance; and from them each party, or its, his, or her, or their agent, if either be not present in person, or by agent, the sheriff for him, her or it, may strike off four jurors, and the remaining shall act as the jury of inquest of damages; and before they act as such, the said sheriff shall administer to each of them an oath or affirmation, as the

case may be, that he will justly and impartially value the damages which the owner or owners shall sustain, by the use or occupation of the same required by the company; and the jury, in estimating such damages, shall take into the estimate, the benefits resulting to the said owner or owners, from conducting said rail-road, through, along or over the property of said owner or owners, but only in extinguishment of the claim for damages; and the jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said sheriff to the clerk of his county, and by such clerk filed in his office, and shall be confirmed by the circuit court at its next session, if no sufficient cause to the contrary be shewn; and when confirmed shall be recorded [by] said clerk at the expense of said company; but if set aside, the said court may direct another inquisition to be taken, in the same manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity of duration of the interest in the same, valued for the company; and such valuation, when paid or tendered to the owner or owners of said property, or his, her or their legal representative, shall entitle the said company to the estate and interest in the same, thus valued, as fully, as if it had been conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may, at any time thereafter, be received from the company without cost, by the said owner or owners, his, her, or their legal representative or representatives.

Sec. 16. That if the said company shall neglect to provide proper wagon ways across said road, as required by the 19th section of this act, it shall be lawful for any individual, to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect or refusal, on the part of the said company.

Remedy vs. company for failing to construct ways across rail-road,

Sec. 17. That whenever it shall be necessary for said company, to have, use, or occupy any lands, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the president and directors of said company, or their agents, or those contracting with them for making or repairing the same, may immediately take and use the same, they having first caused the property wanted, to be viewed by a jury, formed in the same manner herein before prescribed in those cases, where the property is to be changed or altered, by admixture with other substances, before such alteration is made; and that it shall not be necessary after such view, in order to the use or occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after confirmation, and af-

Damages for lands and materials used by company how assessed, &c.

ter payment or tender of the valuation shall be a bar to all actions for taking or using such property, whether commenced before or after such confirmation, or the payment of said valuation.

Rail road
may be laid
on any other
road on the
route.

SEC. 18. That it shall be lawful for the said company, to use and enjoy, for the purpose of erecting the said rail road, any county, state, or other public road, which may happen to be in their route, and build their said rail-road thereon, leaving thirty feet in width, on one side of the said rail road, for the use and benefit of public travel; and in order to secure to the said company, the free and unmolested use of that part of the county, state, or other public road, the said company shall be at liberty to survey and make a plat of so much of the said county, state or other public road, as they may find it convenient to use; which survey and plat, shall be presented to the court or board authorized to do county business, in the county where the land lies, and if approved by them, the same shall be recorded among their public roads, noting the various courses and distances; which being done, the land so appropriated by the said company, shall vest in fee, in the said corporation: *Provided*, the said company shall not be at liberty to obstruct or injure any public road whatever, farther than shall be unavoidable in the prosecution of the work, and which, in a reasonable time, shall be removed or repaired.

Proviso.

Rail-road
crossing other
roads, shall
not obstruct
them.

SEC. 19. *And be it further enacted*, That in all cases where the said rail-road, shall cross any public road or highway, now established, or hereafter to be established, the company hereby incorporated, shall make suitable provision for the passage of wagons, and travel over the rails of said road, and shall not hinder or prevent any person or persons, from passing to and from his, her or their farm or farms, in the ordinary prosecution of business, with the necessary teams, wagons and implements, under such regulations as may be just and reasonable.

Rail-road
carriages, &c.

SEC. 20. That the said president and directors, shall have power and authority, to purchase, with the funds of said company, and place on any rail-road constructed by them, under this act, all machines and carriages of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road; and that they shall have power to charge for tolls (and transportation of persons) on goods, produce, merchandize or property of any kind whatever, transported by them along said rail road, may charge and receive such tolls and freights, for the transportation of persons, commodities and carriages on said road, or any part thereof, as shall be for the interest of the company; and the same to change, lower or raise at pleasure: *Provided*, That the rates established

Toll.

from time to time, shall be posted up, in some conspicuous place or places on the said road; and it shall not be lawful

Rates to be
posted.

for any other company, or any other person or persons, whomsoever, to transport any persons, merchandize, produce or property of any description whatsoever, along said road or roads, or any of them, or any part thereof, without the license or permission of the president and directors of said company; and the said road or roads, with all their works, profits and improvements, and all machinery used on said road or roads, for transportation or other purposes, are hereby vested in said company incorporated by this act, and their successors forever; and the shares of the capital stock of said company shall be deemed and considered personal property, reserving, however to the state, the right of transporting at any time, troops, provisions, implements and munitions of war, free of toll.

Exclusive
rights of the
company.

Stock deem'd
personal prop-
erty.

SEC. 21. That the said president and directors of the Ohio and Indianapolis rail-way, or a majority of them shall be, and they are hereby authorized to subscribe, in their corporate capacity, for stock in any turnpike or rail-road company, chartered for the purpose of connecting such road with that made by this company, upon the same conditions, and with the same privileges that are given to other stockholders, and to pay for the same out of the joint or common funds of this company.

Company
may subscribe
stock in other
companies.

SEC. 22. That the said president and directors, shall annually, or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of the said company, after deducting the necessary current, and probable contingent expenses; and that they shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

Dividends.

SEC. 23. That if any person or persons, shall wilfully, by any means whatsoever, injure, impair or destroy any part of any rail-road, constructed by said company, under this act, or any of their necessary works, buildings, carriages, vehicles, or machinery of said company, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to said company, a sum not exceeding five hundred dollars, which may be recovered, in the name of the said company, by suit in any court possessing competent jurisdiction.

Penalty for
injuring road,
&c.

SEC. 24. That said road shall be commenced, within one year after the capital stock shall have been subscribed; and that the same shall be completed within fifteen years thereafter.

Time of com-
mencement &
completion.

SEC. 25. That the full right and privilege, is hereby reserved to the citizens of this state, or any company here-

Lateral rail-roads may connect with this.

after to be incorporated, under the authority of this state, to connect with the road hereby provided for, any other rail-road, leading from the main route, and diverging therefrom at an angle of twenty degrees or more, to any part or parts of the state; provided, that in forming such connection, no injury be done to the works of the company hereby incorporated.

May complete part of the road.

SEC. 26. That so soon as the company have completed a sufficiency of their route, they may commence and prosecute their business, upon the terms and on the stipulations herein provided for, as though the whole work was completed.

U. States may hold stock.

SEC. 27. That the government of the United States, shall be, and they are hereby permitted to hold stock in the corporation created by this act, upon the same terms, on the same conditions, and subject to the same restrictions that other stockholders are.

Legislature may regulate tolls, when &c.

SEC. 28. That when the aggregate amount of the dividends declared, shall amount to the full sum invested, and six per centum per annum, with interest thereon, the legislature may so regulate the tolls and freight, that not more than fifteen per centum per annum on the capital, shall be divided: and the surplus profits, if any, after paying the expenses, and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by any law, to reduce the tolls and freights, so that a dividend of fifteen per centum per annum cannot be made; and it shall be the duty of the corporation, to furnish the General Assembly, at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer whose duty it shall be to make the same.

Annual rept's to legislature.

CHAPTER CLIII.

An Act to legalize the proceedings of School Trustees of Congressional township, No. 9, north of range 4, west in Owen county.

[APPROVED, FEBRUARY 3, 1832.]

Preamble.

WHEREAS, it is represented to this General Assembly, that one or more, or all of said trustees have acted as such, without previously giving bond, and taking an oath as required by law; Therefore,

Proceedings legalized.

Be it enacted by the General Assembly of the State of Indiana, That all and singular, the acts and proceedings of

said trustees, by them heretofore done, be and the same are hereby legalized, as fully as if all of said trustees had given bond and taken an oath, as required by such trustees by law, before proceeding to act, as such and no further.

This act to be in force from and after its publication in the Indiana Democrat.

CHAPTER CLIV.

An Act to authorize the Marion Circuit Court to hold a special session.

[APPROVED, JANUARY 24, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the judges of the Marion circuit court, be, and they are hereby authorized to hold a special session of the said court, any time in the month of January, 1832, as shall be appointed by the sheriff of Marion county, for the trial of John Edwards, now confined in the jail of said county, on a charge of grand larceny.*

SEC. 2. It shall be the duty of the sheriff of Marion county, when he shall appoint and fix upon the day for holding such special term of the Marion circuit court, forthwith, to give notice to the accused, and to the clerk and judges of said court; and such special session shall be governed in all respects, by the laws relative to the practice in the circuit courts; and shall adjourn from day to day, until the trial is ended; and the clerk shall issue a venire for a grand and petit jury, commanding the sheriff to summon such of the grand and petit jurors, of the regular pannel of the last Marion circuit court, as may be convenient; and may supply any deficiencies in either of said pannels, by summoning talesmen; and the clerk, judges, sheriff and other officers concerned, shall be governed in all other respects, by the provisions of "An act, providing for called sessions of the circuit court," approved February 12th, 1825.

SEC. 3. The session of said court shall be held at such place as the judges may direct.

This act to take effect and be in force from and after its passage.

CHAPTER CLV.

An Act making General Appropriations for the year 1832.

[APPROVED, FEBRUARY 3, 1832.]

Legislature.	Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the present General Assembly, including the pay of members, secretaries, clerks, sergeant at arms, door-keepers, stationary, fuel, printing, binding, and distributing the laws and journals; together with all other expenses incident to the present session, the sum of twenty thousand dollars.
Executive.	For the executive department, the sum of two thousand four hundred dollars.
Judiciary.	For the judiciary department, the sum of seven thousand one hundred dollars.
Prosecuting attorneys.	For prosecuting attorneys, the sum of one thousand one hundred dollars.
Adjutant and quarter master generals.	For adjutant and quarter master general, one hundred and fifty dollars.
Contingent.	For contingent expenses, one thousand dollars.
State prison.	For state prison, six hundred dollars.
Wolf Scalps.	For wolf scalps, eight hundred dollars.
State library.	For state library, one hundred and fifteen dollars.
Probate judges.	For probate judges, two thousand five hundred dollars.
Specific.	For specific appropriation, two thousand dollars.

CHAPTER CLVI.

An Act making specific Appropriations, for the year eighteen hundred and thirty-two.

[APPROVED, FEBRUARY 3, 1832.]

Secretaries, clerks, &c.	SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the principal and assistant secretary of the Senate, and the principal and assistant clerk of the House of Representatives, shall severally be allowed, three dollars and fifty cents per day, and the enrolling secretary of the Senate, and the enrolling clerk of the House of Representatives, three dollars and fifty cents per day, for each and every day they may have served as such, during this session; and the sergeant at arms, the sum of three dollars and fifty cents per day, for each and every day he may have served as such during the present session; the door keeper of the Senate, and door keeper of the House of Representatives, each two dollars and fifty cents, for each and
--------------------------	--

every day they may have served as such during the present session.

That E. Sharpe, agent of state for the town of Indianapolis, be allowed the sum of three hundred and ninety-one dollars, thirty-one cents, for money paid for surveying, planting posts and advertising sales of lots; payable out of the Indianapolis fund. Agent of state

That Robert Ray, be allowed thirty-five dollars, a balance due, for services rendered, in endeavouring to apprehend two fugitives from justice, under an appointment of the late executive. Ray.

That Thomas Johnson be allowed the sum of twenty-six dollars, expense incurred, in pursuing George Whittebury, a fugitive from justice. T. Johnson.

That Dunlap & McDougal, be allowed thirty dollars forty-three and three quarter cents, the amount of a bill for stationary, furnished the Adjutant General. Donlap and McDougal.

That James Blake and Samuel Merrill, be allowed the sum of seventy-five dollars out of the Indianapolis fund; the amount by them paid for grading Washington street, in the town of Indianapolis, in front of the state house square. Blake & Merrill.

That P. F. Newland be allowed the sum of thirty-two dollars sixty cents, for the funeral expenses of the late Theodore C. Clone, deceased. P. F. Newland.

That Charles G. Taylor, collector of the revenue in Vigo county, for the year 1831, be allowed the sum of one hundred and ninety-two dollars and twelve cents, an over payment by him made into the treasury in 1831. C. G. Taylor.

That Mordecai H. Cropper be allowed the sum of eleven dollars and seventy-five cents for locks, and repairing the desks in the House of Representatives. Cropper.

That J. B. E. Reed, door-keeper of the House of Representatives, be allowed the sum of seven dollars and fifty cents, advanced by him for repairs, &c. to the Representative Hall. Reed.

That George A. Phelps, collector of Morgan county, be allowed twenty-five dollars for lands improperly listed, for the years 1827-8 & 9. Phelps.

That the assistant enrolling clerk of the House of Representatives and Senate, be allowed the sum of three dollars and fifty cents per day, for each day they may have been engaged, to be paid upon the certificate of the clerk employing them, and countersigned by the president of the Senate, and speaker of the House of Representatives. Assistant enrolling clerks.

That Thomas J. Walker, William Bales, Christopher Fowler, Charles Fullen, Chuslman Hartman, William Buttery, William Dent, John Sweeten, John Walker, William Davidson, William Walters, James Lacy, Simon T. Hadley, Preston Pennington, be allowed the sum of one dollar Witnesses in the impeachment, vs. Young,

and twenty-five cents per day, for five days each, as witnesses attending before the high court of impeachment, on the trial of Young L. Hughes, and two days each for going and returning at the same rate.

That John C. Julian, a witness in the case aforesaid, be allowed for three days attendance, and two days for going and returning. That Squire Osburn be allowed one day as a witness in said case, and two days in going and returning. That Simon T. Hadley, clerk of the Hendricks circuit court, be allowed one dollar, for making out a copy of record, required in the case aforesaid.

President of
the senate.

That the president of the Senate be allowed the sum of two dollars for postage paid by him.

D. L. Gregg.

That David L. Gregg be allowed the sum of fourteen dollars and six cents, for twenty-two and a half cords of wood, furnished the present General Assembly.

H. Brooks.

That Homer Brooks be allowed the sum of thirty dollars and fifty cents, it being the amount of an order of the late governor J. B. Ray, on the contingent fund, which has been assigned to said Brooks, and remains unpaid.

B. Higdon.

That Benedict Higdon be allowed the sum of fifty-one dollars and twenty-five cents, in full of an order drawn by the late governor J. B. Ray, for that amount on the contingent fund, in favour of said Higdon, which remains unpaid.

Brown
and Morrison.

That Brown and Morrison be allowed ten dollars and six cents for stationary furnished the present General Assembly.

W. Tichenor.

That William Tichenor be allowed twenty-five cents for stationary furnished.

E. Sharpe.

That E. Sharpe be allowed the sum of one hundred and eighty-nine dollars sixty-two and a half cents, for repairing the house on the circle, built for the executive, repairing fence, selling lots, and stationary furnished.

J. Morrison.

That James Morrison, secretary of state, be allowed the sum of fifty dollars, the amount due Jesse Combs, for fifty split bottom chairs, for the use of the present General Assembly; also, the sum of twenty-two dollars and sixty-two and a half cents, the amount paid for one hundred and eighty-one pounds of candles, for the use of the Senate and House of Representatives at the present session; also the sum of ninety-seven dollars and fifty-six and a half cents, the amount due Isaac Fisher, for one hundred and eleven cords of wood, furnished for the use of the Senate and House of Representatives; also, the sum of four dollars and fifty cents, amount paid Robert Goudy, for three trot lines, three twists twine, one pound of wrapping twine, one pound of fine twine; extra lettering, fifteen of the revised laws, also, the sum of one dollar and twenty-five cents, amount paid for five boxes.

That Oliver Morse be allowed the sum of ten dollars and fifty cents, amount paid F. T. Luse for three tables, and putting on three door locks; also, the sum of two dollars, amount paid James Edgar, for repairing windows in the Senate chamber. Also, the sum of fourteen dollars, amount paid Jesse Grace, for one dozen Windsor chairs. Also, the sum of two dollars, amount paid William H. Lingenfelter, for repairing two fire places and chimney breasts, with two coats of plastering in the Senate chamber. Also, the sum of two dollars and fifty cents, amount due Peter Winchell for repairing the floor in the Senate chamber; also, the sum of two dollars, amount due Z. Wooley, for repairing the fire places in the Senate chamber; also the sum of two dollars, amount due John Tucker, for attendance on brick masons; also the sum of nine dollars and thirty cents, amount due James Vanblaricum, for eighteen pounds of Iron, for andirons, for one fire shovel, one pair of tongs, and eight pounds of coal. Also, the sum of twenty-two dollars and twenty-five cents, amount due Mordecai H. Cropper for sixteen desks, for the use of the Senate, putting two locks on clerks desk, putting lock on trunk, and repairing door at circle; also, the sum of one dollar, amount due Collins for one gallon of Vinegar; also, the sum of three dollars and twenty-five cents, amount due Brown and Morrison, for two pounds of nails, and four yards of baize for Senate; also, the sum of two dollars, the amount due Sampson Latherman.

That James Blake be allowed the amount by him paid for postage on the plans received for a state house. And also the amount of postage necessary to be paid for returning such plans, as have been requested to be returned by the authors, which amount shall be certified by said Blake, and audited upon his exhibiting the items of said account.

That James Fowler be allowed six dollars, for two days services, as deputy sergeant at arms. J. Fowler.

That Jacob Landis be allowed nine dollars, for three days services attending the court of impeachment, as deputy sergeant at arms. J. Landis.

That Abraham Williams be allowed twenty-five dollars and eighty-two cents, for extending the Hall of the House of Representatives. A. Williams.

That Henry P. Coburn be allowed five dollars for his services in making out a list and abstract of the census for the year 1830. H. P. Coburn.

That Benjamin Rodgers of Monroe county, be allowed the sum of twenty dollars for his services as superintendent of Jackson's lick, in said county for one year. B. Rodgers.

That Basil Brown be allowed nine dollars, for two maps of Indiana, for the use of the House of Representatives. B. Brown.

A. W. Reid. That A. W. Reid be allowed the sum of twenty-three dollars and sixty cents, for finding materials, and making seats in the gallery of the House of Representatives.

A. Williams. That A. Williams be allowed three dollars for repairing the floor and hearth of one of the rooms in the governors house, the property of the state.

Witnesses in
the impeach-
ment, vs.
Athon.

That Matthew Borland, Joseph Rawlings, Elberth Jeter, Rollin C. Dewey, Horatio Jeter, William Templeton, Russell Mitchel and William B. Slaughter, be allowed the sum of nineteen dollars seventy-five cents each, and that Samuel Chambers be allowed the sum of one dollar and twenty-five cents, for attendance as witnesses, in the case of the state verses Athon in an impeachment.

Witnesses in
the impeach-
ment, vs.
Hughes.

That Thomas J. Walker be allowed the sum of fourteen dollars and ninety cents, Christian Hartman, six dollars and fifteen cents, John S. Walker, six dollars and thirty-nine cents, John Sweeten, six dollars and forty-seven cents, William Bales, six dollars and fifteen cents, William Buttery, six dollars and fifteen cents, Preston Pennington, six dollars and fifteen cents, William Davidson, six dollars and fifteen cents, and William Walker six dollars, as compensation for their attendance before the judiciary committee of the House of Representatives, as witnesses on the part of the state, in the case of the state, against Young L. Hughes, on an impeachment.

CHAPTER CLVII.

An Act to amend "An act, dividing the state into judicial circuits, and fixing the times of holding courts therein, approved February 10th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county of Laporte is hereby attached to the first judicial circuit, and shall form and constitute a part thereof; and the circuit courts shall be held at such places as the commissioners of the respective counties shall provide, at the times following, viz: in the county of St. Joseph, on the Mondays next succeeding the courts in Cass, and in the county of Laporte, on the Thursdays succeeding the courts in St. Joseph. And if necessary, the boards of commissioners in said counties, may each hold a special session, for the purpose of fixing the place of holding such courts, and all process thereafter shall be made returnable accordingly.

Laporte at-
tached to se-
cond circuit.

Courts in St.
Joseph.
Laporte.

Special ses-
sions.

SEC. 2. That the circuit courts in the second judicial circuit, shall be held on the days following, to-wit: In the county of Jackson, on the second Monday in March, and the first Monday in September; in the county of Lawrence, on the third Monday in March, and second Monday in September; in the county of Orange, on the fourth Monday in March, and third Monday in September; in the county of Washington, on the first Monday in April, and the fourth Monday in September; in the county of Harrison, on the second Mondays in April, and first Monday in October; in the county of Floyd, on the third Mondays in April and October; in the county of Clark, on the fourth Mondays in April and October, in the county of Scott, on the third Monday in May, and first Monday in November. The courts in the counties of Jackson, Lawrence, Orange, Washington, Floyd and Scott, shall each sit six days, if the business require it. The court in the county of Harrison, shall sit six days at the April, and twelve days at the October term, if the business thereof require it; and the courts in the county of Clark, shall sit twelve days, if the business thereof require it.

Terms in se-
cond circuit.

Length of
terms.

SEC. 3. The courts in the county of Morgan, shall be held at the times following; on the second Mondays in April and October; in the county of Hendricks, on the third Mondays of April and October; in the county of Boone, which is hereby attached to the fifth judicial circuit, on the Thursdays after the court in Hendricks; in the county of Grant, on the Thursdays succeeding the fourth Mondays of April and October; in the county of Madison, on the fifth Mondays of April and October; and in the county of Hamilton, on the first Mondays of May and November. And the said several circuit courts, above named in this section, shall sit in the county of Morgan, six days; in the county of Hendricks, four days; in the county of Boone, two days; and in the county of Grant, three days at each term, if the business require it.

In fifth circuit

Length of
terms.

SEC. 4. And the circuit courts in the sixth judicial circuit, shall commence their sessions on the days following; in the county of Randolph, on the second Mondays of February and August; in the county of Wayne, on the third Mondays of February and August; in the county of Union, on the first Mondays of March and September; in the county of Fayette, on the second Mondays of March and September; in the county of Rush, on the third Mondays of March and September; in the county of Henry, on the fourth Mondays of March and September; in the county of Delaware, on the Mondays succeeding the courts in the county of Henry; in the county of Allen, on the Mondays succeeding the courts in Delaware; in the county of Elkhart, on the

In sixth cir-
cuit.

Length of
terms.

Mondays succeeding the courts in Allen; and in the county of Lagrange, on the Mondays succeeding the court in Elkhart; and the courts to be holden as provided in this section, shall each sit six days, if the business require it, except the courts in the county of Wayne, [which] may sit twelve days if the business require it.

In seventh circuit.

SEC. 5. That the circuit courts of the seventh judicial circuit of this state, shall be holden therein, on the days and times following, viz: in the county of Sullivan, on the last Mondays of February and August; in the county of Knox, on the first Mondays of March and September; in the county of Davis, on the third Mondays of March and September; in the county of Martin, on the fourth Mondays in March and September; in the county of Greene, on the Mondays succeeding the courts, in the county of Martin; in the county of Monroe, on the Mondays succeeding the courts in the county of Greene; in the county of Owen, on the Mondays succeeding the courts in the county of Monroe; in the county of Putnam, on the Mondays succeeding the courts in the county of Owen; in the county of Clay, on the Mondays succeeding the courts in the county of Putnam; and in the county of Vigo, on the Mondays succeeding the courts in the county of Clay, in each year. Said courts at each term thereof, shall sit six days in each of said counties, if the business require it, except in the county of Clay, where it shall sit three days if the business require it. And in the counties of Knox and Vigo, where it shall sit twelve days, if the business require it.

Length of terms.

Repeal.

When this act shall be in force.

SEC. 6. That so much of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed. This act to take effect and be in force from and after its publication in the Indiana Journal and Democrat, except so much as relates to the courts in the counties of Randolph and Wayne, which shall take effect and be in force from and after the first Monday in June next.

CHAPTER CLVIII.

An Act to amend the "Act, organizing the Supreme Court, and defining its powers and duties," approved January 17th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

Terms of court, place of sitting, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the supreme court shall hereafter be holden in the court house, in the town of Indianapolis, on the last Mondays in May and November, in each year.

The term commencing on the last Monday in May, shall be called the May term, and the term commencing on the last Monday in November, shall be called the November term. Each term shall continue thirty days, unless business before the court shall be sooner disposed of, and may be continued beyond that time, should the judges deem it necessary.

SEC. 2. And the said court may adjourn to any other house in the town of Indianapolis, if it should be deemed necessary; and the judges are hereby authorized to occupy one of the rooms in the house on the governors circle, for a consultation room, during the time they may be engaged in their investigations, either in term time or vacation.

May adjourn to another place.

Judges may occupy a room in the circle.

SEC. 3. That the third section of the act to which this is an amendment, be, and the same is hereby repealed.

Repeal.

SEC. 4. This act to take effect and be in force from and after its publication in the Indiana Journal and Democrat.

CHAPTER CLIX.

An Act amendatory to the act entitled "An act to organize Probate Courts, and defining the powers and duties of executors, administrators and guardians," approved February 10th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. [*Be it enacted by the General Assembly of the State of Indiana,*] That the probate court of each county shall hereafter hold only four terms in each year, to commence on the second Mondays of February, May, August and November, and shall at each term sit six days if the business thereof require it.

Terms of court.

SEC. 2. In any county in which the board doing county business for the same, may now or hereafter be required by law to hold or commence either of its sessions, in either of the aforesaid days, the term of the probate court of said county, appointed by the first section of this [act] to be holden on such day, shall in such case be commenced on the Thursday next following the same; *Provided*, That if either of the above named terms of the probate court of any county, shall happen within any time prescribed by law, for holding the circuit court of such county, such term of the probate court shall be deferred to, and commenced on the Monday next following such term of the circuit court.

When to hold session when county board interferes.

SEC. 3. All and singular the business and proceedings, done or transacted in or by any probate court within this state, since the passage of the act to which this is an amendment, are hereby legalized to the same extent, and in the

Proceedings legalized.

same manner, as though the day or days on which such business was so done or transacted, had been appointed and fixed by law for that purpose.

Probate or administration granted in one county, shall give jurisdiction over real estate in another.

SEC. 4. That the probate court of any county in this state, which now has acquired, or shall hereafter acquire jurisdiction over the estate of any decedent, or the settlement thereof, by letters of administration or testamentary, having been issued by such court, or the clerk thereof, or which has heretofore or shall hereafter acquire such jurisdiction by virtue of any other law of this state, is hereby vested with full power and jurisdiction, in and over any real or personal estate of such decedent, situate or being in any other county within this state, whether such estate be held by a legal or equitable title, inchoate or complete, and whether a part or the whole of the purchase money thereof be paid, in the same manner and to the same extent, as though such estate were situate or lying in such county, as to the ordering, adjudging, decreeing, doing, or directing any sale or other disposition of the same, or of the rents and profits thereof, or otherwise. The fifty-fifth section of the act to which this is an amendment, is hereby repealed.

Repeal.

Fees.

SEC. 5. That in all cases, where the fees of any of the officers of the several probate courts, are not defined by law, or where there is no specific allowance for any item of service performed by any of such officers, the same fees shall be allowed as are specified by law for similar services in the circuit court.

CHAPTER CLX.

An Act to amend an act entitled, "An act for the prevention of Frauds and Perjuries," approved January 24th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

Foreign wills, &c. admitted to record in this state, and their effect.

Be it enacted by the General Assembly of the State of Indiana, That when wills, testaments and codicils, devising or authorizing a sale of real estate, or any interest therein, situate or being in this state, shall have been proved abroad, and according to the laws of the state or country where such proof is made, copies of such proved wills, testaments and codicils, or the records thereof, shall be admitted to record in like manner, and have the like force and effect, as proved conveyances of real estate; provided said copies shall be authenticated in the same manner, as records and judicial proceedings are required to be, under the act entitled "An act for rendering authentic as evidence in the

Proviso.

courts of this state, the public acts, records and judicial proceedings of courts of the United States," approved January 10th, 1818; *And provided also,* That such copies shall only be prima facie evidence of being true copies of said wills, testaments and codicils, and the proof thereof. Proviso.

CHAPTER CLXI.

An Act explanatory of the law of evidence in certain cases.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That no want of belief in any point of religious faith, heretofore considered necessary by any court, to the competency of a witness, shall in any case be held to affect such competency; but the same shall only go to the credibility of the witness, and for that purpose may be given in evidence, to enable the jury or other trier or triers of the facts, to judge of such credibility. Want of religious faith, shall not affect competency.

SEC. 2. No witness shall be compelled to answer any question touching his, or her want of such belief; but may state the same, at his or her option. Witness shall not be compelled to answer as to belief.

SEC. 3. Every witness shall take either an oath or affirmation, accordingly as either may be required by, or agree with his or her opinions, being equally liable in either case, to the pains and penalties of perjury, as provided by law. Form of oath, &c.

SEC. 4. Nothing in this act shall be so construed, as to prevent the examination of any one offered as a witness, for the purpose of ascertaining his or her mental or moral capacity, or knowledge of the civil obligation of an oath or affirmation. Witness may be examined to ascertain his capacity, &c.

SEC. 5. In all questions affecting the credibility of a witness, it shall be lawful to give in evidence the general moral character of such witness. General moral character of witness.

CHAPTER CLXII.

An Act to provide suitable compensation for non-resident witnesses in criminal cases.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever the attendance of any wit- Circuit court shall certify allowance.

ness, who resides out of this state, shall have been necessarily procured, to give evidence before the grand jury of any county, or on the trial of any presentment or indictment, it shall be the duty of the circuit court, on the application of such witness for an allowance, to examine into the case, and make an order for such allowance as may be just and reasonable, to be paid out of the county treasury of such county, on the presentation by the witness, to the county treasurer, of a copy of such order, signed by the clerk of the circuit court.

J. P. may certify allowance.

SEC. 2. If any witness who does not reside in this state, shall have been necessarily procured to attend the examining court of any justice of the peace, on a charge against any person, for a breach of any of the penal laws of this state, it shall be the duty of such justice, to examine into the claim of such witness for attendance, and make a reasonable and just allowance for the same, taking for a guide, as near as possible, allowances made by the circuit court of his county on similar applications; and the certificate of such justice, countersigned by the clerk of the circuit court, shall authorize said treasurer, on presentation of the same, to pay the amount thereof, out of any monies in the treasury not otherwise appropriated.

SEC. 3. The expenses so allowed, shall, in cases of conviction, be taxed against the defendants as in other cases, and whenever the same may be collected, the proper officer shall pay the amount into the county treasury, and take the treasurer's receipt for the same.

CHAPTER CLXIII.

An Act supplemental to "An act prescribing the mode of changing the venue," approved January 28th, 1831.

[APPROVED, JANUARY 26, 1832.]

President judge, for consanguinity. &c. may decline to try chancery suit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any suit in chancery, shall be pending in any of the circuit courts of this state, and the presiding judge of such court, is related to either of the parties, in any of the following degrees, to-wit: As father, son, brother, uncle, first cousin, brother-in-law, father-in-law, step-father or step-son; it shall be lawful for such judge, to decline sitting to try such suit.

Change of venue, to another circuit.

SEC. 2. That whenever any president judge of the circuit court, refuses to sit and adjudicate chancery cases, where he stands related to either of the parties, as above

described, the plaintiff or defendant to any such suit, may apply to the associate judges of the court, where such case is pending, for an order to change the venue, to one of the counties in the adjoining circuit; and the said associate judges shall award a change of venue, to one of the nearest counties in said adjoining circuit; and the papers belonging to such suit, shall be transmitted to said county, in the same manner as is provided by the act to which this is a supplement; and said suit shall be tried by the court, to which such venue is changed, as an original case.

SEC. 3. The costs occasioned by such change of venue, may be taxed by the court trying the case, against either party, as to the court may seem just and equitable.

CHAPTER CXLIV.

An Act requiring certain public officers to give additional security.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the security or securities of any of the clerks of the circuit courts, sheriffs, coroners, justices of the peace, school commissioners, county agents, seminary trustees, or any other county or township officers, who have been heretofore, or who may hereafter be required by law to give bond with security, for the performance of any official duty, shall remove without the state, become insolvent or insufficient; or if such officers, when required by law, have omitted or may hereafter omit, to give bond and security, before entering on the duties of their respective offices, it shall be the duty of the circuit court or board doing county business, upon petition signed by three or more respectable citizens of the proper county, setting forth such removal, insolvency or omission to give bond and security, to summon any such officers to appear before the court issuing the same, to show cause, if any they can show, why they shall not give additional bond and security; or where no security has been given, why they have entered upon the duties of their office, without giving security as is required by law.

Citation for failure to give bond, or additional security.

SEC. 2. If upon the hearing of the case, the court shall be of opinion, that such security or securities have not removed, become insolvent or insufficient, it shall dismiss the same at the cost of the petitioners, but if it shall be the opinion of the court, that such security or securities have removed without the state, become insolvent or are insufficient

Proceedings to enforce security.

to discharge the bond, which he or they may have entered into, as such security or securities, or where any such officer has omitted to give security, it shall be the duty of the said court, to require such other or further security, as they may deem necessary; and the bond or bonds required by this act, shall be similar in every respect, to the bonds required by any such officer, before entering upon his official duties in the first instance; *Provided however*, That in no case shall the original bond or securities be discharged or affected, where additional bond and security is given under the provisions of this act.

Attachment
for failing to
comply.

SEC. 3. Should any officer refuse to comply with the order of the circuit court, or board doing county business, he shall be subject to attachment and all other process for contempt, for disobeying such order.

CHAPTER CLXV.

An Act to amend the act entitled, "An act regulating the jurisdiction and duties of Justices of the Peace," approved February 10th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

J. P. shall
give bond, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each justice of the peace, heretofore elected and commissioned, who has not given bond with security for the performance of his official duties, as prescribed by law; and each justice of the peace, who may hereafter be elected and commissioned, shall give to the clerk of the proper county, a bond, in such sum as the clerk may deem sufficient, not less than one thousand dollars, nor more than two thousand dollars, with good freehold security, to be approved of by such clerk, for the faithful discharge of his duty, and for the paying over on demand, to the person authorized or entitled to receive the same, all monies that may come into his hands, as such justice of the peace, during his continuance in office; which bond shall be made payable to the state of Indiana, for the benefit of any person concerned, and may be put in suit, from time to time, in any court of competent jurisdiction, and shall not be void on the first recovery thereon: And there shall be no stay of execution on the judgment rendered on such bond; and any justice of the peace refusing or omitting to comply with the provisions of this act, after the taking effect thereof, shall on conviction, by presentment or indictment in the circuit court of the proper county, be fined by the jury trying the case, in any sum not exceeding two thousand dollars.

Suit thereon.

No stay on
judgment on
bond.

Penalty for
failing to
give bond.

SEC. 2. Each justice of the peace, shall make out a list of all fines and penalties by him assessed against, or collected of each individual, and record such list in a book to be kept for that purpose. And the said justice of the peace, shall, on the first days of the May and November terms of the board doing county business, deliver, or cause to be delivered, under his hand and seal, to such board, a list of fines and penalties, which he may have assessed since the two last preceding terms of said board; also, deliver a succinct statement in writing, of every case before him tried, for any criminal offence or petit misdemeanor, specifying therein the name of such person tried, for what offence, when committed, and whether such trial resulted in an acquittal or conviction: And such list and statement having been so delivered to the board doing county business, the clerk thereof shall preserve the same, and deliver a copy of such succinct statement to the foreman of the grand jury, at the term of the circuit court next succeeding the time such justices of the peace may have returned the same to the board doing county business.

List of fines
shall be re-
ported to
county board
&c.

List of per-
sons tried for
offences.

Clerk shall
deliver list to
grand jury.

SEC. 3. That justices of the peace shall have the same jurisdiction, in all cases where executors, administrators or guardians are plaintiffs, as other plaintiffs have, where they sue in their own rights; *Provided however*, That where any defendant or defendants shall plead any matter of payment, set-off, or other special matter in bar to such executor's, administrator's, or guardian's cause of action, it shall be lawful for the plaintiff, after such plea of payment, set-off, or other special matter shall have been filed, to require the justice of the peace to certify all the proceedings to the proper probate court, where such plaintiff received authority to sue in such representative capacity; and on filing an affidavit for that purpose, may require the said defendant, to enter into special bail, to appear before said probate court, on the first day of the term next succeeding, if fifteen days shall intervene, but if not, then at the term next thereafter, to answer to said suit, and that if judgment be given against him therein, that he will pay the condemnation money and costs, or render his body in execution therefor, or in default thereof, his security will do the same for him. Which recognition of special bail, shall have the same force and effect in said probate court, as is provided in the act to which this is an amendment.

Jurisdiction
in cases by
and against
administra-
tors, &c. and
when they
shall be certi-
fied to probate
court.

Defendant
shall give spe-
cial bail.

SEC. 4. And the said probate courts shall hear and determine suits so transferred to them, in the same manner as original cases.

Probate
courts shall
try certified
suits.

SEC. 5. The fourteenth section of the act to which this is an amendment, and so much of the eighteenth section, as limits the jurisdiction of justices of the peace, in actions of

Jurisdiction
in actions of

Amended in 1832, Sept. 109

trover and conversion.

trover and conversion to twenty dollars, be, and the same is hereby repealed.

Confessions under \$5 shall be without affidavit.

SEC. 6. That the twentieth section of the act to which this is an amendment, shall be so amended, that persons appearing before justices of the peace to confess judgment, shall not be bound to take the oath required by the said section, where the sum does not exceed five dollars.

Summons may be made returnable in 30 days, and continuances granted for same time.

SEC. 7. That the twenty-second and twenty-fifth sections of the act to which this is an amendment, be, and the same are hereby so amended, as to authorize justices of the peace to issue summonses returnable within thirty days, and to grant continuances not exceeding thirty days, except as is otherwise provided for in said act.

Execution when to issue on Sunday.

SEC. 8. Justices of the peace are hereby authorized to issue writs of execution, upon judgments on their dockets, in all cases when the judgment debtor is about to abscond on Sunday, upon the judgment creditor's making and filing with such justice, an affidavit that such judgment debtor is about to abscond from the county, and that he verily believes the said judgment debtor will be out of the reach of process, if the issuing thereof should be deferred until another day.

Commitment to jail by constable under ca sa.

SEC. 9. That when any constable shall, by virtue of a writ of capias ad satisfaciendum, issued by a justice of the peace, commit the execution defendant to the jail of the county, a certified copy of such writ, under the hand of said constable, shall be a sufficient warrant to authorize the keeper of said jail, to receive and retain the said execution defendant in his custody, until discharged by due course of law.

Plaintiff shall sue on all his items of account, &c.

SEC. 10. In all actions of assumpsit hereafter instituted, before any justice of the peace, founded on open and running accounts, between the parties, it shall be the duty of the plaintiff in such case, at the time he shall make application to institute his suit, to file with the justice before whom he shall commence such suit, his bill of particulars, in which shall be included all the open and running accounts in his favour, against the defendant, which shall have accrued up to the time of instituting such suit, and which shall be then due and unpaid, with the items specifically set forth; and if any such plaintiff shall afterwards commence a suit upon any account, which shall have accrued previous to the institution of any such former suit, and the defendant shall plead and show that fact on the trial thereof, the said plaintiff shall pay all the costs that shall accrue thereon.

Defendant shall be sued only in his township.

SEC. 11. So much of the twenty-second section of the act to which this is an amendment, as authorizes the service of process upon any person who may be found out of the

township of which he is a resident, unless the contract was made, or the cause of action accrued within the township, in which such process issued, be, and the same is hereby repealed.*

SEC. 12. In all cases where any writ is authorized to be issued on Sunday, it shall be lawful for constables or other officers, to whom the same may be directed, to serve the same on Sundays. Service of writs on Sunday.

* This 11th section is incorporated by mistake. It having been inserted as an amendment, by the House of Representatives, was not concurred in by the Senate; and the House receded. But standing in the enrolled bill, it must be taken to be a part of the act, until corrected by the Legislature. J. MORRISON, Secretary of State.

CHAPTER CLXVI.

An Act to provide for the Election of Electors of President and Vice-President of the United States.

[APPROVED, JANUARY 23, 1832.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of this state, shall on the first Monday of November next, and on the first Monday in every fourth succeeding year, assemble in their respective counties, at the usual places designated for holding elections, and proceed to elect a number of Electors of President and Vice-President of the United States, equal to the number of Senators and Representatives to which this state may be entitled, by law, in the Congress of the United States, at the time when the President thus to be chosen should come into office; and where no apportionment of Representatives shall have been made, after enumeration, at the time of choosing electors, the number of electors shall be according to the existing apportionment of Senators and Representatives; which election shall commence and close at the same hours, and be conducted in the manner, as is or may be directed by law for electing members of the General Assembly of this state: *Provided, always,* that it shall be the duty of each and every sheriff within this state, to give notice of the time of holding such elections, together with the number of electors to be elected, by publishing the same in some newspaper within the county, or by advertising the same in manuscript advertisements, to be set up at the most usual places of holding elections in the respective townships, at least twenty days preceding the time of holding said election. First & quadrennial elections of electors. Ratio. How conducted. Notice by sheriff.

SEC. 2. That it shall be the duty of the judges of such

Repealed in 1839, Page 109.

Certificates of election to be given by the judges.

elections, in the several townships, to make out a certificate under their hands and seals; which certificate shall certify the number of votes, in words at full length, that each person received for elector; and the same shall be attested by the clerks of said election; which certificate shall be sealed, in the presence of the judges of such election, and the same shall be put into the hands of one of the judges of the election, who shall, on the ensuing Wednesday, deliver the same to the clerk of the circuit court, at the court house or usual place of holding courts in and for said county, or in his absence to his deputy; and in case there is neither clerk nor deputy, then to the sheriff of the county; and if there is no sheriff, then to the coroner thereof, who shall, in the presence of all the judges of elections, who may attend from the different townships, between the hours of twelve and four o'clock of said day, compare the different returns, and make out, in a fair hand, in words at full length, a certificate of the number of votes each candidate for elector received in the county, agreeably to the returns received from the several townships; which certificate shall be signed by clerk, deputy, sheriff or coroner, who may attend, and be sealed with the seal of the county, to be used for that purpose, and delivered by such clerk, deputy clerk, sheriff or coroner, as the case may be, to the marshal, that may be appointed, to convey the votes from the district in which said county is situate, to the seat of government.

To be delivered to the marshal.

Marshal shall deliver certificate to secretary of state, &c.

Secretary of state shall open and proclaim the votes.

Certificate for electors, and how transmitted.

Publication in newspaper.

SEC. 3. That it shall be the duty of the several marshals appointed by virtue of the provisions of this act, within this state, or their deputies, which in case of sickness or unavoidable accident, they may appoint, to deliver such certificate to the secretary of state, on the fourth Monday of November, between the hours of nine and eleven o'clock of the morning of said day, at the seat of government; and it shall be the duty of the secretary of state, in the presence of the governor and all the marshals who may attend from the different districts in this state, between the hours of twelve and six o'clock on said fourth Monday of November, to open and compare the certificates so delivered by the marshals, and read aloud the number of votes each person has received for elector of president and vice-president of the United States, and shall make out a fair abstract of the names of the persons voted for, and the number of votes given to each; and it shall be the duty of the governor, forthwith to make out for the persons having the highest number of votes, certificates of their having been duly elected electors of president and vice-president of the United States, and to transmit by the marshals, or some special messenger, the proper certificate to each, and shall forthwith cause the election of electors to be published in the

newspaper printed at the seat of government. But if more than the number of persons to be elected, have the greatest and an equal number of votes, then the election of those having such equal number of votes, shall be determined by lot, to be drawn by the secretary of state, in the presence of the governor and marshals aforesaid.

In case of tie, lot shall be drawn.

SEC. 4. That the electors who shall be chosen as aforesaid, shall at twelve o'clock on the day which is, or may be directed by the Congress of the United States, meet at the seat of government of this state, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

Electors shall vote at 12 o'clock on the day, &c.

SEC. 5. That each elector of president and vice-president of the United States shall, at ten o'clock of the day fixed by the law of Congress, to elect a president and vice-president of the United States, meet the governor, whose duty it shall be to attend in the Representative Chamber, and it shall be the duty of the governor, forthwith to deliver to the electors present, a certificate of the names of all the electors, and if upon examination, it shall be found that one or more of said electors are absent, and shall fail to appear before eleven o'clock in the morning of said day of election of president and vice-president of the United States, the electors then present, shall immediately proceed to elect by ballot, in presence of the governor, a person or persons to fill such vacancy or vacancies, as may have been occasioned by the non-attendance of one or more of the electors.

Electors shall meet the governor, &c., & in case of absence of any elector, the electors present shall elect one.

SEC. 6. That if more than the number of persons required to fill the vacancy or vacancies as aforesaid, shall have the greatest and an equal number of votes, then the election of those having such equal and highest number of votes, shall be determined by lot, to be drawn by the governor, in the presence of the electors attending; otherwise, he or they to the number required, having the greatest number of votes, shall be considered as elected to fill such vacancy or vacancies.

In case of tie, in filling vacancy, lot shall be drawn.

SEC. 7. That immediately after such choice is made, in manner aforesaid, the name or names of the person or persons so chosen, shall forthwith be certified to the governor, by the electors making such choice; and the governor shall immediately give [cause] notice in writing, to be given to each and every of the electors to be chosen to fill such vacancy or vacancies as aforesaid; and the person or persons so elected and notified, shall be electors, and shall forthwith meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them, as electors as aforesaid, by the constitution and laws of the United States and of this state.

Notice how given to elector, elected to fill vacancy.

Return districts. SEC. 8. That each judicial circuit of this state, shall compose one return district, and shall be numbered as the circuits are numbered when the votes are taken.

Governor shall appoint a marshal for each district.

Oath of marshal and his duties.

SEC. 9. It shall be the duty of the governor of this state, on or before the first Monday in August, every year, when a president and vice-president of the United States is to be elected, to appoint some trusty citizen of the state of Indiana, in each of the aforementioned districts, who shall be known as the marshal of such district, to be in office until all the duties required of such officer by this act, are performed, and no longer; and it shall be the duty of such marshal, within ten days after receiving the appointment aforesaid, and before the first Monday in November, in the year aforesaid, to go before some officer authorized by law to administer oaths, and shall there make an affidavit, that he will without fraud or delay, (accidents excepted) perform the several duties required of him by this act, and well and truly deliver the several certificates, or returns of votes for electors of president and vice-president of the United States, to the secretary of state, as he may receive the same, at the different counties, in such manner as is prescribed by law, and shall have the same endorsed by the officer that may administer the oath, on the back of the governor's appointment, which shall be an authority for such marshal to receive the certificates from the officer of the county, who may be in possession of the same. It shall be the duty of the marshal of each district, to bring the returns from each county in his district, to the seat of government, at such time and in such manner, as is prescribed by this act.

Compensation to judges and clerks of election.

Fees of marshal

SEC. 10. The judges and clerks of elections, shall be allowed the same compensation that is allowed in other cases; and the officer making the certificate in the presence of the judges, shall be allowed the sum of one dollar for the same; and the several marshals shall be allowed ten cents per mile, for each mile they may travel, in collecting the returns, and ten cents per mile for each mile they may travel to and from the seat of government, from the nearest county in their districts to the same, to be computed by sections, from county seat to county seat, and from the nearest county seat as aforesaid, to the seat of government, to be audited by the auditor, and paid out of the state treasury, by the treasurer, out of any monies not otherwise appropriated.

Election of electors, in case of vacancy in the office of Pres't and Vice Pres't. of the U. S.

SEC. 11. That in all cases when the offices of both president and vice-president of the United States shall become vacant, and notice thereof is given to the executive of this state, it shall be the duty of such executive officer, to issue writs of election to the sheriffs of each county in this state,

directing them to proceed in the same manner, to advertise an election to fill such vacancies, as they are bound to do by the provisions of this act; and it shall be the duty of all sheriffs, judges, clerks, marshals, and other officers, and all others, together with the governor, and they are hereby enjoined and directed, to do and perform in such cases, and under the same penalties, all and singular, the duties and acts enjoined and directed by this law. And it shall be the duty of the electors, to proceed to elect, in the same manner as is required by this act, any thing herein contained to the contrary notwithstanding.

SEC. 12. That the sheriffs of the different counties, shall each receive for his services performed under this act, the following fees, to-wit: for advertising the election, one dollar; which fee shall be allowed by the auditor and paid by the treasurer out of any monies not otherwise appropriated.

Compensation to sheriff.

SEC. 13. That each and every elector, who shall attend as an elector at the seat of government as aforesaid, shall be entitled to receive two dollars for each and every days attendance, and two dollars for every thirty miles travel of the estimated distance by the most usual route, from his place of residence to the seat of government, and the like sum for returning; which sum shall be allowed by the auditor, on the certificate of the governor, and paid by the treasurer, out of any monies not otherwise appropriated.

Compensation to electors.

SEC. 14. That the judges and clerks of elections, under the provisions of this act, for failing to perform the duty enjoined upon them by this act, shall forfeit and pay the sum of one hundred dollars, to be recovered in favor of the state, for the use of the seminary of the proper county, on motion in any court having jurisdiction thereof, the party having ten days previous notice of such intended motion. All marshals and other officers, who shall neglect or refuse to perform their duties enjoined upon them by this act, shall forfeit and pay any sum not exceeding one thousand dollars, to be recovered by indictment, or on motion, in any court of record having jurisdiction of the case in this state, the defendant having ten days notice of such motion; and it shall be the duty of the prosecuting attorney, within whose bounds the same may be, to prosecute such defendant, as directed in this section; and such fine after deducting ten per centum as a fee for said attorney, shall be paid to the trustee of the county seminary, for the use of the same.

Penalty vs. judge & clerks for neglect of duty.

Against marshal, &c.

SEC. 15. The marshals named in this act, are hereby authorized to appoint one or more deputies, where the necessity of the case may require it, which deputy or deputies are required to take the same oath that the said mar-

Marshal may appoint deputy, and vacancy in office of, how filled.

shall be required to take; and in all cases where any marshal in this act named, may die, or remove from this state, after the fifteenth of August, next before such election, it shall be the duty of the associate judges of the circuit court of the county where such marshal resided, to convene and forthwith proceed to appoint a marshal in place of such deceased or removed marshal; which said marshal, when so appointed, shall take the same oath, perform the same duties, and receive the same compensation, and shall be liable to the same penalties, that a marshal appointed under other provisions of this act would be entitled to receive, perform, take or sustain. All laws and parts of laws heretofore in force in this state, authorizing the appointment and defining the duties of electors, be, and the same are hereby repealed.

This act to take effect and be in force from and after its publication.

CHAPTER CLXVIII.

An Act to amend an act, entitled, "an act to provide for the commissioning of Sheriffs and Coroners, and to regulate their duties," approved January 7, 1824, and for other purposes.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the tenth section of the act to which this is an amendment, as requires sheriffs and coroners to recognize persons to the circuit court, for crimes cognizable by justices of the peace, be, and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That it shall be the duty of the sheriffs and coroners, on making any arrests, as set forth in the tenth section of the act to which this is an amendment, to take such person or persons before some justice of the peace of his county; and it shall be the duty of such justice to hear and adjudicate on the same, under the same rules and regulations, as set forth in the first section of the act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831.

SEC. 3. *And be it further enacted*, That it may be lawful for any sheriff or coroner, making such arrest, to serve all process issued by the justice pursuant to the same, and to execute any order of said justice, relative to the trial of the same, and be entitled to receive the same fees that are now allowed in like cases, before justices of the peace.

Repeal.

Repeal.

Sheriffs and coroners making arrests, shall take of fees before J. P. &c.

May serve process issued by J. P.

This act to take effect and be in force from and after its passage.

CHAPTER CLXIX.

An Act to amend the act entitled "an act for the opening and repairing Public roads and highways," approved February 10th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That any person or persons desiring to change any state road, may apply for that purpose to the circuit court of the proper county, by petition signed by twelve freeholders of the proper township, or townships, particularly setting forth the part so prayed to be altered, whereupon the same proceedings shall be had as is required by law upon an application to change a state road pursuant to the fifteenth section of an act entitled, "an act for opening and repairing public roads and highways."

This act to be in force from and after its publication.

Proceedings on application to change state road &c.

CHAPTER CLXX.

An Act to licence and regulate Taverns and Groceries.

[APPROVED, FEBRUARY 3, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several courts of county commissioners, are hereby authorized to license as retailers of spiritous or strong liquors, every person who may apply therefor; but the said court shall not grant any license, or permit, to any person to vend spiritous or strong liquors, in any county within this state, unless such person applying therefor, (if a tavernkeeper) shall produce the certificates of twenty-four respectable freeholders, who are inhabitants of such town or township, certifying that the person or persons so applying, are of a good moral character; that it would be for the benefit and convenience of travellers, and conducive to the public good, if such tavern should be opened, and that they believe it is the bona fide intention of such applicant or applicants, to keep a tavern for the accommodation of travellers: *Provided, however*, that if the town or township, where the tavern so proposed to be kept, does not contain twenty-four freeholders, who are inhabitants,

Co. boards may grant license.

Certificate of character.

Provide.

that the number may be completed by freeholders in the immediate vicinity.

Requisites to
entitle to tav-
ern license.

Bond.

Suit on bond,
and suppres-
sion of license.

License not
transferrable.

Tax on li-
cense, its du-
ration, & how
granted in
vacation.

Penalty for
retailing, af-
ter expiration

SEC. 2. *Be it further enacted*, That before any person shall be entitled to a license to keep a tavern under the provisions of this act, he, she or they, so applying, shall prove to the satisfaction of the county commissioners of the proper county, that such applicant is the bona fide owner, or tenant for one or more years, of a good house, with at least three apartments, and a stable convenient to said house, with at least four good stalls; and further, that such applicant is the owner of at least two beds and bedding, over and above what is used by his or her family, and all other furniture proper and necessary, for a tavern in such town or village. And such applicant or applicants, shall give bond with sufficient security, to be approved of by such court, in the sum of five hundred dollars, payable to the county treasurer, for the time being, and his successors in office, that he, she or they will not permit any gambling, rioting or disorderly conduct in his, her or their house, but will conform to the laws of this state, restraining gambling and disorderly conduct, about taverns or public houses; and that he, she or they will not suffer any unlawful assemblies, or sell or retail any spiritous or strong liquors on the Sabbath day, or first day of the week, commonly called Sunday, except to travellers; and shall at all times during the continuance of said license, keep in the house wherein the tavern is kept, at least one spare room, and two beds and bedding, besides that which is used by the family, together with other necessary furniture, and good stabling for at least four horses; which bond shall be filed in the clerk's office, and if the condition thereof be forfeited, the circuit court, at any time thereafter, on complaint made to them, are hereby authorized to suppress such license: and it is hereby made the duty of the county treasurer to put such bond in suit; and no license or permit, as aforesaid, shall be transferrable in any manner whatever.

SEC. 3. No person shall obtain license as a retailer of spiritous or strong liquors, until he, she or they, shall pay to the county treasurer, the amount required by law for such license; nor shall any license continue for a longer time than one year; and in vacation between the meetings of such courts, the clerk shall give a permit to any person applying, to retail spiritous or strong liquors, until their next meeting, if such person shall and will comply with the preceding provisions of this act; but if any person shall continue to retail spiritous or strong liquors, after his or her license has expired, such person shall be subject to the same fine, as though he or she had never had a license; and

if any person, obtaining license, under the provisions of this act, shall, during the continuance of such license, fail to comply with any of the requisitions of this act, he shall upon presentment or indictment, be fined in any sum not exceeding fifty dollars, and have his tavern abated.

SEC. 4. *Be it further enacted*, That the several courts doing county business in this state, are hereby authorized to license, as retailers of spiritous or strong liquors, and foreign and domestic groceries, any person or persons who may apply therefor, for a term not less than one year, without requiring said person or persons to be obligated to keep on hand the bedding and stabling, with other accommodations, necessary for the comfort and convenience of travellers.

Groceries
how licensed.

SEC. 5. Before any person or persons (as grocery keepers) shall be entitled to obtain license, under the provisions of this act, he, she or they, shall produce the certificate of at least twenty-four respectable freeholders of the town, or township where the applicant resides, that the person or persons applying for a license, is or are of good moral character; and it shall be his, her or their duty to enter into bond, in the same manner, and under the same restrictions, requisitions and conditions, as are required in this act for tavernkeepers, except as to the keeping on hand, the bedding and stabling as aforesaid, and shall be governed in every respect as such licensed tavern keepers: *Provided*, that no license shall be granted to any person residing within any town or township, where a majority of the freeholders in such town or township, shall remonstrate against the granting of the same.

Certificate.

Bond.

Citizens may
remonstrate.

SEC. 6. The person or persons obtaining such grocery license, shall pay to the county treasurer, the full amount that may be fixed by the court doing county business, before said license shall authorize him, her or them, to vend or retail spiritous or strong liquors, foreign and domestic groceries; and the amount to be fixed by the court, shall be at such a rate, as the commissioners of the county shall think reasonable and right, not less than ten, nor more than twenty-five dollars: *Provided*, it shall be lawful for merchants, licensed to vend goods, to sell foreign liquors by the small, for the use of the sick.

Fees.

SEC. 7. If any tavern keeper or grocery keeper, shall retail on credit, spiritous or strong liquors, to a greater amount than one dollar, to one individual, such tavern keeper or grocery keeper, shall not have the benefit of the laws of this state for the collection of the same.

Shall not sell
liquors on
credit.

SEC. 8. No person shall barter or sell, to any minors, apprentices or servants, under the age of eighteen years, any strong or spiritous liquors, without the consent of his

Nor to mi-
nors, &c.

er her parent, master or mistress; and no retailer of spiritous or strong liquors, shall knowingly sell or dispose of any intoxicating liquors, to any person in a state of intoxication. And any person or persons so licensed, to keep either a store, tavern or grocery, who shall either sell or give spiritous liquors to an individual, who is at the time in a state of intoxication, he, she, or they so offending, shall on conviction thereof, be fined in any sum not less than two, nor more than ten dollars, for each offence, to be recovered on presentment or indictment, before any court, having competent jurisdiction thereof.

Tavern rates to be posted.

SEC. 9. Each tavern-keeper shall be bound to keep in one of his most public rooms, and in plain view of his guests, a complete list of his own rates and prices, for food, lodging, liquor and stabling for horses, under such penalties as are prescribed in the 57th section of the act regulating crime and punishment.

Circuit court shall give this act in charge to grand jury.

SEC. 10. It shall be the duty of the circuit courts, at their several terms, in the proper counties within this state, to give this act in charge to the grand jury.

CHAPTER CLXXI.

An Act supplemental to an act entitled, "An act to regulate General Elections," approved January 30th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

Additional return of votes to speaker of the house of representatives for governor and lieutenant governor.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the several clerks of the circuit courts in this state, to make out and transmit by mail, at the time and manner now prescribed by law, one additional certificate return of the votes, which shall have been given in their respective counties, for governor and lieutenant governor; which shall be directed to the speaker of the House of Representatives, and to the care of the secretary of state, of the state of Indiana; whose duty it shall be, to take from the post office at the seat of government, all returns so directed, and hand the same to the speaker of the House of Representatives at their next meeting thereafter; *Provided*, That nothing in this act shall be construed to exempt such clerks from transmitting returns by senators and representatives, and by mail to the secretary of state, as required in the act to which this is a supplement.

Penalty for failure.

SEC. 2. Should any clerk refuse or neglect to comply with the requisitions of this act, such clerk shall, on conviction thereof, before the proper circuit court, by present-

ment or indictment, be fined in any sum not exceeding one hundred dollars; and it is hereby made the duty of prosecuting attorneys of the proper circuit, on being advised thereof, to prosecute the same to effect.

CHAPTER CLXXII.

An Act to amend the act entitled "An act defining the duties of Recorders," approved January 19th, 1831.

[APPROVED, FEBRUARY 3, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That in all cases where the office of recorder shall become vacant, by death, resignation, removal or otherwise, it shall be the duty of the board doing county business, in the county in which such vacancy shall so happen, to appoint some suitable and qualified person to fill the same; who shall previously to entering upon the duties of his office, give bond and security for the faithful discharge of the same, in like manner, and under like rules and regulations, as are prescribed in the act to which this is an amendment, who shall continue in office until the time of the next general election, at which time an election shall be held to fill such vacancy as aforesaid.

County board shall appoint recorders pro tem.

CHAPTER CLXXIII.

An Act repealing the 10th section of an act, relating to county Seminaries, approved February 4th, 1831, and for other purposes.

[APPROVED, FEBRUARY 3, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That the tenth section of an act relating to county seminaries, approved February 4th, 1831, be, and the same is hereby repealed. The several trustees appointed by authority of the aforesaid recited act, shall be authorized to retain in their hands respectively, as a full compensation for their services, three per cent. on all monies that may come into their hands, and no more.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXIV.

An Act to provide a Fund to encourage Common Schools.

[APPROVED, FEBRUARY 2, 1832.]

Collector shall certify delinquent land list to school commissioner and clerk, and how credited.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the several collectors of revenue in this state, on or before the first day of December annually, to certify a correct description of the lands and lots, on which taxes are not paid, by non-residents and others, who have no personal property to pay their taxes, to the school commissioners, and also to the clerks of the proper counties; each of whom shall record said return, in books to be kept for that purpose; and the certificate of such clerk, of the amount of state and county tax due on such lands and lots, shall be received by the auditor of public accounts, and county treasurer, in making settlement with such collectors.

Commissioner shall add per cent. &c. and certify to treasurer of state.

SEC. 2. The said school commissioners, shall charge each tract or lot of land, returned as aforesaid, with a penalty of fifty per cent. on the tax assessed thereon, and at the rate of one hundred per cent. per annum, on said tax, till the same shall be paid; and they shall, on or before the tenth day of December annually, certify to the treasurer of state, the amount of lands on their books, charged with the non-payment of taxes, and the sums paid within the year, for the redemption of such lands. And the treasurer shall lay an abstract of the same before the Legislature.

Lien on land for taxes, &c.

SEC. 3. The said tax, penalty and per centage, shall be a lien on the lands on which they are charged, until paid to the school commissioner, and his receipt is filed with the clerk of the circuit court, who shall give a certified copy thereof, to the person making such payment.

Delinquent list, how posted.

SEC. 4. The clerks of the several counties, shall, in the month of December annually, set up in their offices, and two other public places in the county, copies of the said list of lands and lots, with the charges against them. And the said collectors, clerks and school commissioners, for the services prescribed to them by this act, shall each receive four per cent. on monies paid for the redemption of such lands.

Compensation to clerk, &c.

SEC. 5. The school commissioners shall loan out the monies coming into their hands by virtue of this act, in the same manner as the monies arising from the sale of school sections. And the interest on such loans shall be faithfully and equally applied, for the use of common schools, in the manner hereafter directed by the Legislature.

Commissioner shall loan money.

County board shall inspect

SEC. 6. Each school commissioner, shall submit his books and proceedings under this act, to the county com-

missioners, at their March term annually; and they shall compare his entries with those of their clerk, and certify whether they be found correct, and if not, they may order him to be prosecuted on his bond. commissioners books, &c.

SEC. 7. When any land, charged as aforesaid, shall not be redeemed for three years, the school commissioner shall state that fact, in his annual report, to the treasurer, together with such particulars as he may be able to ascertain, respecting the value of the land, and the title to the same; and such land may be thereupon sold for the purpose of augmenting said common school fund, in such manner as shall be provided by the Legislature. Land shall be sold after 3 years for school purposes.

SEC. 8. So much of the act for assessing and collecting the revenue, approved February 10th, 1831, as authorizes collectors to sell lands for the non-payment of taxes, is hereby repealed. Repeal.

SEC. 9. So much of the act to which this is an amendment, as requires collectors of state and county taxes, to advertise the sales of lots and lands, in a newspaper, and so much as requires clerks to make out a detailed list of delinquents, to enable the collectors to settle with the auditor of public accounts, is hereby repealed. And hereafter, the clerks in their respective counties, shall certify under their hand and seal of office, the gross amount of credit such collector may be entitled to, on settlement with the auditor of public accounts. Repeal.

CHAPTER CLXXV.

An Act amendatory of the act entitled, "An act for the incorporation of Towns," approved February 10th, 1831.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever the inhabitants of any town, wish to become incorporated, it shall be lawful for the qualified voters under said act, to petition the board doing county business, in the county in which such town is situated, to that effect; and when two thirds of all the qualified voters, who shall reside within the limits of such proposed incorporation, shall have signed said petition, and the same is presented to the board doing county business, and the petition proved to be signed by the persons whose signatures are on the same, by the oath of any reputable person, the said board shall order an election to be held at the usual place of holding elections in said town, on some day within one month from that time, for the election of trustees. Petition to county board.

Election how ordered.

tees of such incorporation, of which said board shall cause ten days notice to be given, by written advertisements, to be put up in three of the most public places in said town.

President and clerk, and election of trustees.

SEC. 2. At the meeting of the qualified voters for the election of trustees, they shall first proceed to elect a president and clerk of said meeting, who after being qualified, shall without delay, lay off said incorporation into five districts, and forthwith present the same to said voters, who shall proceed to elect one trustee for each district; and in all other respects the said election, and such incorporation, shall be governed by the provisions of the act to which this is an amendment.

Out-lots, how attached to corporation.

SEC. 3. When two thirds of the householders residing on any tier of out-lots adjoining any incorporated town, are desirous of being embraced within the bounds of such incorporation, and they shall petition the president and trustees of such incorporation to that effect, it shall be lawful for the president and trustees of said incorporation, upon the petition being proved by the oath of a respectable citizen, to have been signed by the persons whose names are affixed to the same, to order and cause said petition, to be spread on the record book of said incorporation; from which time the said tier of out-lots shall be made a part of said corporation; and the inhabitants residing thereon, and the owners thereof, shall be subject to the rules and regulations of said incorporation, and entitled to all the privileges of the same.

Incorporation now dissolved.

SEC. 4. That whenever two thirds of the inhabitants of any incorporated town are desirous to dissolve the corporation, it shall be lawful for them to present a memorial or petition, to the board doing county business of the proper county, signed by two thirds of the legal voters of said incorporation, including the president, and a majority of the board of trustees, setting forth the causes of such dissolution. And the said board, on proof that notice of such intended application to dissolve the incorporation, has been given in a public newspaper, if there is one printed in the county, if not, by notice in writing, set up in each district in said incorporation, for four successive weeks, previous to the sitting of said board, which notice or notices shall be signed by the presiding officer of said board of trustees, the board doing county business, shall thereupon proceed to hear and determine upon the cause of such dissolution, and may, if such causes appear sufficient in the opinion of the board, dissolve the incorporation. *Provided however,* That no such dissolution, shall in anywise affect any vested rights, contracts or agreements, agreed or made under and by such incorporation, by any individual or individuals. And such incorporation shall be liable for all debts contracted during the existence of the same; and it shall lay out and expend

Proviso.

all monies for, and towards accomplishing the objects for which they were collected, previous to such dissolution.

SEC. 5. That whenever the said board shall dissolve any incorporation under the provisions of this act, they shall cause an entry of the same to be made upon the books of their proceedings, together with the causes set forth for such dissolution. Records of dissolution.

CHAPTER CLXXVI.

An Act to amend the act entitled "An Act relative to county boundaries," approved February 10, 1831.

[APPROVED, FEBRUARY 2, 1832.]

WHEREAS, It appears that the forty third section of the act to which this is an amendment, which purports to designate the boundaries of Johnson county, is erroneous, in stating that the south-west corner of Shelby county is at the south-west corner of section thirty-four, in township eleven, north of range five east; and that in fact, the south-east corner of said section is the south-west corner of Shelby county; by means whereof the south-east corner and the eastern boundary of Johnson county, are erroneously described, therefore, Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the following shall constitute the boundaries of Johnson county, to wit: beginning at the south-east corner of section 34, in township 11, north of range 5 east, the same being the south-west corner of Shelby county; thence running north with the line of Shelby county, to the south-east corner of Marion county; thence west to the north-east corner of Morgan county; thence south with the line of said county, to the line dividing townships ten and eleven; thence east with said line to the place of beginning. Boundary of Johnson county.

SEC. 2. All deeds and records that have been made, or any other acts done, affecting public or private rights, within the said county of Johnson, shall be considered as valid in law and in equity, as though the error in the boundaries of the said county had never been made. Acts legalized.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXVII.

An Act to amend an act entitled "An Act to encourage the killing of Wolves," approved February 10, 1831.

[APPROVED, JANUARY 31, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board doing county business, in any county in this state, if they deem it expedient, to allow to any person killing a Prairie wolf or wolves, in their respective counties, for each wolf over six months old, one dollar; for each wolf under six months old, fifty cents, to be paid out of the county treasury of such county.

SEC. 2. The person claiming such reward, shall produce the scalp or scalps, with the ears, within thirty days after such wolf or wolves has or have been killed, to the clerk of the board doing county business; who shall administer to such person the oath or affirmation prescribed in the first section of the act to which this is an amendment.

SEC. 3. It shall be the duty of the clerk administering such oath, to cause the ears to be destroyed in his presence, and give the person a certificate agreeably to the provisions of the second section of this act.

SEC. 4. The clerks of the proper counties shall be entitled to the sum of twelve and one half cents, for making each and every certificate as above provided, to be paid by the person applying for such certificate.

CHAPTER CLXXVIII.

An Act to prevent the sale of Ardent Spirits to the Indians.

[APPROVED, FEBRUARY 3, 1832.]

Preamble. WHEREAS, It has been represented to this general assembly, by the agent and interpreters, and several of the principal chiefs of the Miami and Pottowattamie nations of Indians, residing within the limits of this state, together with sundry citizens within their immediate vicinity, that the use of ardent spirits among the said Indians, is productive of the most injurious results, and that the permission to vend, give, or in any way dispose of the same among them, should be prohibited by law; for remedy whereof,

Prohibition. *Be it enacted by the General Assembly of the State of Indiana,* That no person or persons, of any description

whatever, whether associated in company, or individually, shall sell, give, barter, or exchange, or dispose of in any way either directly or indirectly, any spiritous or intoxicating liquors, to any Indian or Indians within this state; and should any person or persons, be guilty of a violation of the provisions of this act, he, she or they so offending, shall, upon conviction thereof, by presentment or indictment, in the proper circuit court, for each offence, be fined in any sum not less than five dollars, and not exceeding fifty dollars, and be liable to be imprisoned at the discretion of the jury who may try the case, any term of time not exceeding ten days. Penalty.

CHAPTER CLXXIX.

An Act concerning Lotteries.

[APPROVED, FEBRUARY 3, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That hereafter, if any person or persons shall sell any lottery tickets, or share in any lottery, or scheme for a division of property, to be determined by chance, or shall make or draw any lottery, or scheme for a division of property as aforesaid, not authorized by law, on conviction thereof, upon presentment or indictment, shall be fined in any sum not exceeding five hundred dollars for each offence, at the discretion of the jury; *Provided,* That nothing in this act shall be so construed, as to affect any persons selling any lottery tickets, or drawing any lottery, which shall have been made, and shall not be drawn at the taking effect of this act. Penalty.

CHAPTER CLXXX.

An Act to prohibit the circulation of Bank Notes, of a denomination less than Five Dollars.

[APPROVED, FEBRUARY 2, 1832.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the taking effect of this act, it shall not be lawful for any person or persons, body corporate or politic, to circulate or pass, in payment of any debt, or in the payment of any kind of property, any note Prohibition.

or notes, issued by any bank or banking company of any other state or territory, of a denomination less than five dollars.

Penalty.

SEC. 2. That if any person or persons, body corporate or politic, shall pass any note, contrary to the provisions of this act, he, she or they, so offending, shall be liable to an action of debt, for double the amount so passed, to be recovered in the name of the state of Indiana, before any court having jurisdiction thereof, for the use and benefit of the county seminary, of the county wherein such suit is instituted; and it is hereby made the duty of the justices of the peace, constables, trustees of the seminary fund, sheriffs and prosecuting attorneys, of the proper county, on being informed thereof, to cause suit to be commenced.

Officers shall commence suit.

Copies to be forwarded to counties, &c.

SEC. 3. The secretary of state shall cause a sufficient number of copies of this act to be printed, and ten copies to be forwarded to the clerk of the circuit court of each county in this state, as soon as practicable, whose duty it shall be forthwith, to post up one copy in some conspicuous place at the county seat, and forward immediately, one copy to each township in his county, to be posted up in some public place in said township; and it shall further be the duty of the secretary of state, to cause this act to be published, in the Indiana Democrat and Journal, four weeks in succession, immediately after its passage.

SEC. 4. This act shall take effect from and after the first day of September next.

CHAPTER CLXXXI.

An Act declaratory of divers parts of the Acts, Joint Resolutions and Memorials, passed at the last session of the General Assembly.

[APPROVED, JANUARY 26, 1832.]

Preamble.

WHEREAS, The printed copies of the acts, joint resolutions and memorials, passed at the last session of the General Assembly of this state, exhibit in many parts thereof, words included between brackets, thus, [] some of which as better conveying the sense of the context, appear to have been inserted in lieu of one or more words, also printed, but not included between brackets; and other words appear to have been inserted to supply clerical omissions: and whereas, it is believed that such interpolated words, better convey the meaning and intention of the legislature; therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all words contained in the copies of the acts, joint resolutions and memorials, of the last session of the General Assembly of this state, printed by Douglass and Maguire, in the year 1831, and arranged and published under the authority of said General Assembly, which are included between brackets, thus; [] be, and the same are hereby declared to be valid and established as a part of the context, in the passage or passages where found, and as the law of the land, in connexion with such context; and that where any word or words in such copies, appear from a fair view and construction, when taken in connection with such interpolated word or words, and the residue of the context, to have been intended to be superseded by any word or words so interpolated; every such word so appearing to have been intended to be superseded as aforesaid, is hereby repealed.

Interpolated words adopted as part of the text.

SEC. 2. That the words that should have been inserted in an act, entitled, "an act dividing the state into judicial circuits, and fixing the times of holding courts therein," approved, February 10th, 1831, as mentioned in two several notes at the bottom of the 143d page of the revised laws of Indiana, printed in the year aforesaid, by said Douglass & Maguire as aforesaid, be, and the same are hereby inserted in, and considered a part of said act, as in said notes is mentioned.

Notes adopted as part of the text.

JOINT RESOLUTIONS, &c.

CHAPTER CLXXXII.

A Joint Resolution on the subject of the Printing of the Laws of the present session of the General Assembly.

[APPROVED, JANUARY 24, 1832.]

Resolved by the General Assembly of the State of Indiana, That Messrs, Douglass and Maguire, printers of the laws of the present session, be permitted to proceed immediately with the laws, joint resolutions and memorials; and that the alphabetical order heretofore observed, be dispensed with in printing.

This resolution to be in force from and after its passage.

CHAPTER CLXXXIII.

A Joint Resolution supplemental to the Joint Resolution on the subject of the printing of the Acts, Memorials and Joint Resolutions of the present General Assembly.

[APPROVED, FEBRUARY 2, 1832.]

Be it resolved by the General Assembly of the State of Indiana, That the public printer be directed to print four thousand copies of the acts, memorials and joint resolutions, passed at the present session of the General Assembly; and the Secretary of State shall cause the same to be bound in good half binding.

CHAPTER CLXXXIV.

A Joint Resolution for the benefit of William Polke, and others.

[APPROVED, FEBRUARY 2, 1832.]

Resolved by the General Assembly of the State of Indiana, That if it shall appear, after the close of the present session,

JOINT RESOLUTIONS.

273

that there will be funds in the treasury not required for the exigencies of the ensuing year, it shall be lawful for the auditor to allow, and the treasurer to pay, the following claims on account of Michigan road expenses, to-wit: to William Polke, in full for monies expended and services rendered, up to the 21st January, 1832, the sum of \$1,858 22 cents; to Noah Noble for his services, 77 days \$154; to Aquilla Rariden and his assistants, for surveying, \$161 00; to A. F. Morrison, for printing blanks, \$20; to the secretary, auditor and treasurer of state, \$50 each, for their services; and it shall be the duty of the commissioner of the Michigan road lands, out of the first sales thereof, to pay into the treasury, an amount equal to the sums hereby allowed.

CHAPTER CLXXXIV.

A Joint Resolution of the General Assembly of the State of Indiana, relative to Michigan Road Scrip.

[APPROVED, FEBRUARY 2, 1832.]

Be it resolved by the General Assembly of the State of Indiana, That the treasurer of state, in the presence of the auditor and secretary of state, do destroy (by burning) all the Michigan road scrip now in the treasury; the treasurer having first registered the same, in an appropriate book, in his office, with the number, to whom paid, and amount thereof.

CHAPTER CLXXXV.

A Joint Resolution of the General Assembly, authorizing the Secretary of State to purchase certain books, for the use of the State Library.

[APPROVED, JANUARY 26, 1832.]

Resolved by the General Assembly of the State of the Indiana, That the secretary of state is hereby authorized to purchase two copies of Gales & Seaton's Register of Debates in Congress; and two copies of Debates on the adoption of the Constitution of the United States, and one copy of the Debates of the late Virginia Convention, for the State Library.

JOINT RESOLUTIONS.

CHAPTER CLXXXVI.

A Joint Resolution of the General Assembly, for the relief of Daniel Pattingale.

[APPROVED, JANUARY 20, 1832.]

Resolved by the General Assembly of the State of Indiana, That Adam Wright, the road commissioner, on the state road leading from Indianapolis to Lafayette, be, and he is hereby authorized and directed, to pay over to Daniel Pattingale, out of any money belonging to said road, that now is, or which hereafter may be in his hands, the sum of fifty six dollars, for work done on said road, by the said Pattingale, in addition to what was required by his contract.

This resolution to be in force from and after its passage.

CHAPTER CLXXXVII.

A Joint Resolution for the relief of R. C. Talbott and John Alling.

[APPROVED, FEBRUARY 2, 1832.]

WHEREAS, by a joint resolution of the last General Assembly, William Sanders commissioner, on part of the state road, from Madison to Indianapolis, was authorized and directed to pay to R. C. Talbott and J. H. Wallace, the balance due on two drafts, drawn on the agent of the three per cent. fund, by Joshua Wilkinson and William C. Bramwell, which drafts were accidentally lost amongst the papers of the last session, therefore,

Resolved by the General Assembly of the State of Indiana, That William Sanders, be and he is hereby authorized and directed to pay over to R. C. Talbott and J. Alling, assignee of J. H. Wallace, or their order, the sum of forty-one dollars, out of the unexpended fund belonging to said road in his hands; which payment shall be in full discharge of the drafts authorized to be paid by said joint resolution, approved February 10th, 1831.

This joint resolution to be in force from and after its passage.

JOINT RESOLUTIONS.

CHAPTER CLXXXVIII.

A Joint Resolution of the General Assembly of the state of Indiana, to authorize and require the fund set apart for the improvement of the Wabash river, to be loaned to the canal fund.

[APPROVED, FEBRUARY 2, 1832.]

Resolved by the General Assembly of the State of Indiana, That the Wabash and Erie canal fund commissioners, be, and they are hereby authorized and required, to demand and receive from the agent of the three per cent. the full and entire amount due from said fund, under a special act, approved January 31st, 1824, set apart and appropriated to improve the navigation of the Wabash river, at the rapids thereof; also, to demand and receive of said agent, the amount appropriated to the same object, by an act, approved January 24th, 1828; and to hold the entire sums so to be received, subject to the present use of the canal fund, to be repaid therefrom, with interest thereon, to be calculated in accordance with other sums borrowed, not exceeding six per cent. interest, as soon as the General Assembly may direct; and said agent of the three per cent. fund, is hereby required, to pay to said canal fund commissioners, or to their order, the amount due as aforesaid.

This joint resolution to take effect from and after its publication in the Indiana Journal, published by the printers of our laws.

CHAPTER CLXXXIX.

A Joint Resolution of the General Assembly, adopting the plan of a State House, and for other purposes.

[APPROVED, JANUARY 26, 1832.]

Resolved by the General Assembly of the State of Indiana, That the plan of a state house, submitted by Messrs. Ithiel Town and S. J. Davis, of the city of New York, be adopted, as the plan of a state house for Indiana; and, that the auditor of public accounts audit, and the treasurer pay the said Ithiel Town and S. J. Davis, the sum of one hundred and fifty dollars, as a premium for the said plan of a state house.

JOINT RESOLUTIONS.

CHAPTER CLXL.

A Joint Resolution providing for the erection of a Tomb Stone, over the grave of the late Theodore C. Cone, Esq. deceased.

[APPROVED, JANUARY 30, 1832.]

Resolved by the General Assembly of the State of Indiana, That the auditor of public accounts, be, and he is hereby authorized and instructed, to cause to be erected; at the Indianapolis grave yard, suitable tomb stones at the grave of the late Theodore C. Cone, a representative from the county of Vigo, who died at his lodgings in this place, during the present session of the General Assembly: and that said auditor cause the proper inscriptions to be engraved thereon, all of which to be done in a neat and workmanlike manner; and that the treasurer of state pay the amount of the cost of said erection, upon the certificate of the said auditor, out of any money in the treasury not otherwise appropriated.

CHAPTER CLXLI.

A Joint Resolution to ascertain the terms upon which means may be procured, to secure to Indiana, her share of the revenue to accrue from the erection of a Bridge over the Ohio River, at the Falls.

[APPROVED, FEBRUARY 2, 1832.]

Resolved by the General Assembly of the State of Indiana, That his excellency, the governor, be requested to open a correspondence with such bankers and capitalists, as in his judgment may be proper, to ascertain the terms upon which a loan of one hundred thousand dollars may be obtained by this state, redeemable at the pleasure of the state, after the expiration of fifty years, on a pledge of perpetual stock, to be created under a joint act of incorporation, conditionally adopted by the state of Kentucky and this state, authorizing a company to build a bridge across the Ohio river, at the Falls, and allowing of an annual dividend to stockholders of twelve per cent. on the stock as nett profit. That he state to said bankers and capitalists, the peculiar advantages of the contemplated work, and the permanent facilities existing at the Falls to construct it; and that he lay the correspondence before the next General Assembly.

JOINT RESOLUTIONS.

CHAPTER CLXLII.

A Joint Resolution of the General Assembly, relative to procuring Tract Books, and lists of relinquishments.

[APPROVED, FEBRUARY 3, 1832.]

Resolved by the General Assembly of the State of Indiana, That the auditor of public accounts, be, and he is hereby authorized and required to procure a tract book, of all the sold and unsold lands in the Vincennes land district, from the first sale in said district, to the first day of January, eighteen hundred and thirty-two, containing a description of the land, the number of acres and hundredths of an acre in each sub-division, the purchasers name, and the date of purchase as soon as practicable; and when procured, to transmit to the clerks of the respective counties in said land district, a certified statement of such part thereof, as lies within their respective counties; together with a map of each county, on a scale sufficiently large to exhibit all the fractions and sub-divisions of sections.

Be it further resolved, That the said auditor of public accounts, procure from each of the registers of the land offices, at Jeffersonville and Cincinnati, a list of all the relinquished and forfeited lands in said districts, and within this state, from the period at which the last lists were procured from said offices, to the expiration of the last relief law of congress; and that he transmit copies thereof to the clerks of each county in said districts, whose duty it is hereby made to carefully compare the relinquishment list herein provided for, together with those heretofore furnished by the auditor, with the tract books now on file in their respective offices, and strike from their tract books all lands returned as relinquished and forfeited; and after making such correction of their respective tract books, to make out within two months from the receipt of such relinquishment list, a fair copy of such corrected tract book, and preserve the same, together with the original, for the inspection and benefit of those calling at their respective offices for that purpose.

Resolved further, That upon the receipt of such tract book and lists of relinquishment, the auditor is hereby authorized to audit, and the treasurer to pay the amount necessary to procure the same; and the like sum to him for copying and transmitting them to the clerks of the respective counties, upon his certificate of having performed that duty; also, such sum as the governor shall deem just and reasonable, for the maps to be furnished the counties within the Vincennes land district, payable out of the contingent fund.

JOINT RESOLUTIONS

CHAPTER CLXLIII.

A Memorial and Joint Resolution of the General Assembly of the state of Indiana, to procure means for the construction of a Canal, to connect White river with the Wabash, at the town of Vincennes.

[APPROVED, FEBRUARY 2, 1832.]

To the Senate and House of Representatives of the United States, in Congress assembled: Your memorialists, the General Assembly of the state of Indiana, respectfully represent, that a connection of White river with the Wabash at Vincennes, would be of great public utility, and would open a most desirable facility to trade, for which a deep solicitude is manifested. The connection can be formed below the junction of the two forks of White river, at a much less expense than would be required to clear the channel of the Wabash, to the confluence of White river; and it is thought, the length of the connecting canal will not exceed fifteen miles. It is also believed, that the aid of the national government, could be afforded to no similar work of the like extent, from which more general benefit would be derived; not only in the immediate vicinity of the contemplated connection, but throughout the upper Wabash country, including all interested in the commerce of the Wabash valley. In Knox county, through which this canal would pass, there is a considerable quantity of unappropriated waste lands, which have been about thirty years in market, and which can only in the event of an improvement of this kind become useful; Therefore,

Resolved, That our senators in Congress be instructed, and our representatives requested to use their best exertions, to procure a grant of land, sufficient to accomplish the object proposed, from the unappropriated land in Knox county, a large proportion of which, now unfit for agricultural purposes, will be redeemed and rendered beneficial by the construction of said canal.

Resolved, That his excellency, the governor, transmit a copy of the foregoing memorial and joint resolution, to each of our senators and representatives in congress.

JOINT RESOLUTIONS.

CHAPTER CLXLIV.

A Joint Resolution of the General Assembly of the state of Indiana, to improve the navigation of the Wabash and White rivers.

[APPROVED, FEBRUARY 3, 1832.]

WHEREAS, the Wabash and White rivers, with their tributary streams, water a large portion of the most fertile and desirable part of the interior of Indiana, as well as a large part of the boundary of Illinois, both states rapidly increasing in point of population, as well as agricultural improvements; *And whereas,* the above named rivers are among the principle avenues for the egress of our agricultural commodities; *And whereas,* those streams at present, present some serious obstructions to their easy and safe navigation, for remedy whereof;

Resolved, That our senators in congress be instructed, and our representatives requested, to use their utmost exertions to procure a donation from the general government, for the purpose of improving the navigation of the above named rivers.

Resolved, That his excellency the governor, be, and he is hereby requested to forward to each of our senators and representatives in congress, forthwith, a copy of the foregoing preamble and resolution.

CHAPTER CLXLV.

A Memorial and Joint Resolution of the General Assembly of the state of Indiana, relative to the public lands.

[APPROVED, FEBRUARY 3, 1832.]

To the Senate and House of Representatives of the United States, in Congress assembled: Your memorialists, the General Assembly of the state of Indiana, respectfully represent, that between the southern bend of the St. Joseph river, and the state line of Indiana, in the direction of Hamilton, situate on the Miami canal in Ohio, there is a vast tract of territory uninhabited, intersected by no navigable streams, and without roads or other facilities of communication; that the territory belongs chiefly to the general government, and unless the means of intercourse are furnished, must remain the property of the United States for many years to come, to the great detriment of the state of Indiana. For your memorialists are impressed with the belief, that Indiana is no less interested in the sales of the

public lands, lying within her limits, than is the general government; because while the treasury of the one is increased, the wealth of the other is equally advanced, our population will be swelled in numbers, and the burthen of taxation diminished. Your memorialists would advert to another fact which all experience verifies, that property in the vicinity of roads or navigable streams is much more valuable, and commands a greater number of purchasers than property more remote, that for this reason, it would be an act not only of profit, but expediency on the part of the general government, to give a part of the public lands, to enable the state to construct such roads through them, as would create a market for the remainder. Your memorialists are also of opinion, that a road from the southern bend of the St. Joseph's river to New Castle, in Henry county, thence to Milton, in Wayne county, and from thence through Waterloo, in Fayette county, Brownsville and Liberty, in Union county, to intersect the Hamilton and Oxford turnpike road, (now in progress) at the state line, between Ohio and Indiana, at or near the north west corner of Oxford College township, would be eminently calculated to produce the favourable results we have been pointing out. It would enable emigrants to find their way through the wilderness, and be the means of procuring a sale of thousands of acres of land, which otherwise may remain without a purchaser for half a century. In addition also, your memorialists would state, that this road would become a great mail route between the northern and eastern parts of the state of Indiana; for which reasons your memorialists would respectfully ask that a quantity of the public lands might be donated to the state of Indiana, equal to each alternate section, two miles in depth on each side of said road, where it may run through lands belonging to the government of the United States, to aid in constructing said road.

Resolved by the General Assembly of the State of Indiana, That the governor be requested to forward immediately, to each of our senators and representatives in congress, a copy of the foregoing memorial, with a special request, that they use their best exertions in procuring the donation contemplated in the preceding memorial.

CHAPTER CLXLVI.

A Joint Resolution of the General Assembly, concerning the Public Lands.

[APPROVED, FEBRUARY 3, 1832.]

Resolved by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives requested, to use their best exertions to obtain by an act of that body a cession from the United States, of all the right, title, and interest of the general government, to the unappropriated and unsold public lands, within our boundaries, upon the most favourable terms to the state that can be obtained, subject to the ratification or rejection of the General Assembly of this state, with provision that the proceeds of such remaining public lands, to be sold under the authority of this state, shall be exclusively devoted to the objects of internal improvements, and education by the General Assembly of this state; reserving to this state a right to donate to poor persons, such portions of the land as may remain undisposed of, after being in market under our direction for the period of ten years.

Resolved, That his excellency the governor, be requested to forward copies of this resolution to each of our members in congress.

CHAPTER CLXLVII.

A Joint Resolution relative to the Public Lands.

[APPROVED, JANUARY 26, 1832.]

WHEREAS, in the opinion of this General Assembly, it is the interest of the general government as well as of this state, that the public lands within her limits should be disposed of as soon as practicable, as tending to produce the speedy settlement of the same, and to multiply the resources of the country: *And whereas*, a large number of the emigrants to the western states and territories, as well as the citizens thereof, are, from their poverty, unable to purchase the smallest tracts of land now authorized to be sold at the Land offices; but who would be able, by the purchase of smaller tracts, to secure to themselves the blessings of domestic comfort and independence, and thereby create that additional incentive to, and claim upon their gratitude and attachment towards their beloved country, and its free institutions, which an interest in its soil can alone produce:

JOINT RESOLUTIONS.

Therefore, resolved, by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives requested to use their best exertions to procure the passage of a law, authorizing the sale of tracts of the public lands of forty acres each, by the equal division of half quarter sections, by a line running east and west; and also, by a similar division of fractions, of greater amount than eighty acres, where practicable.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and joint resolution, to each of our senators and representatives in congress.

CHAPTER CLXLVIII.

A Joint Resolution on the subject of the Saline Reservations.

[APPROVED, JANUARY 13, 1832.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress, be, and they are hereby instructed, and our representatives requested, to continue their best exertions and influence in congress, to procure the passage of a law, to authorize the state of Indiana, to sell in manner, and for the purposes heretofore represented, the Saline reservations, to which the said state has claims:

Resolved, That the governor without delay, transmit to each of our senators and representatives in congress, a copy of the foregoing resolution.

CHAPTER CLXLIX.

A Joint Resolution, relative to the Saline Reserve in the county of Dearborn.

[APPROVED, FEBRUARY 3, 1832.]

WHEREAS, It appears, that the north-east, north-west, and south-west quarters, of section twenty-five, in township six, of range one west of the principal meridian line, drawn from the mouth of the Great Miami river, lying in the county of Dearborn, was, by and under the authority of the United States, reserved for the use of a salt spring, situate upon said section; and in accordance with the second proposition of the sixth section of the act of congress "to enable the people of the Indiana Territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," approved April 19, 1816, was granted to this state for the use of the people of the same, to be used under such terms, conditions

JOINT RESOLUTIONS.

and regulations, as the legislature of said state shall direct; in conformity to which reservation and grant, the said state of Indiana has uniformly since the adoption of her constitution, and form of state government, continued to exercise control over said three quarter sections of land, by leasing the same as provided for in the said second proposition of the compact aforesaid; and in particular, that on the fourth day of January, 1830, the Hon. Miles C. Eggleston, the president judge of the third judicial circuit, in which said saline reserve is situate, did, by indenture in writing, lease the same to David Guard, for a term of three years from and after the date thereof, who took possession, and placed certain persons as tenants thereon, to-wit: Mary Muir, John Davis and Thomas Branan: and whereas, it also appears that the above-named tenants, being advised that they were entitled to a right of entry of said land as occupants thereof, at the minimum price of United States' lands, under the pre-emption law, did proceed some time within the year last past, through the agency of an attorney, in fact, to cause an entry to be made of said land, and have procured patents in their own names to be issued from the general land office therefor, and have since sold and conveyed the same to third persons, who are now claiming to hold the same in virtue of such sale and conveyance. It also appears, that the above named agent and attorney in fact, of those persons, acting, or pretending to act, under the power so conferred on him by them, did also proceed to sell and convey the said land to one Levi Millar, who is also now claiming the same in virtue thereof; but that previous to such sale being made by said agent, the power of attorney made to him as aforesaid, had been publicly revoked through the medium of the newspapers. That those lands are of great value, and would command in cash, the sum of eight thousand dollars; and if sold on a short credit, would bring ten thousand dollars; and that being justly and legally the property of the state, under and by virtue of the compact aforesaid, between the United States and the state of Indiana, the necessary steps should be taken by the state authorities to secure and retain the possession and use of the same to the state, for the purposes for which the same was granted: therefore,

Resolved, That the governor of this state, be authorized to open a correspondence with the commissioner of the general land office, either directly, or through the medium of our representation in Congress, relative to the existing difficulties concerning the above described reserve, with a view either to regain the undisputed possession and use of

the same, or to obtain a grant of other lands of equivalent value in lieu thereof; and that he submit to the next General Assembly, the result of such correspondence, with such other information as may be in his power to obtain; and that he transmit a copy of this resolution to each of our senators and representatives in Congress, accompanied with a request that they will use their co-operation in effecting the object above contemplated.

CHAPTER CC.

A Memorial of the General Assembly of the State of Indiana, to the Congress of the United States, for the relief of persons whose lands have been forfeited.

[APPROVED, DECEMBER 21, 1831.]

Your memorialists respectfully represent, to your honorable body, that there are many persons in this state, who did not avail themselves of the benefit of the last law of Congress, on the subject of extending relief to the purchasers of public lands, which authorized scrip to be issued within nine months from the passage of said law, to such as might not be able to make complete payment, before the time at which the said lands, by the provisions of the law aforesaid, would be forfeited to the General government; and as there are many persons who did not take advantage of this provision, under impression that they would be able to make payment before the expiration of the time limited in the act aforesaid.

Your memorialists, therefore, respectfully solicit the passage of a law, at the present session of Congress, authorizing the issuing of scrip to all who did not take advantage of the former act.

CHAPTER CCL

A Memorial of the General Assembly of the State of Indiana, relative to the Louisville and St. Louis Mail Route.

[APPROVED, JANUARY 20, 1832.]

To the Senate and House of Representatives of the United States in Congress assembled. The General Assembly of the State of Indiana, respectfully represents, that the road from Louisville, Kentucky, to St. Louis, Missouri, via Paoli, Mount Pleasant, Washington and Vincennes in Indiana, passes through a tract of country in Indiana and Illinois, only sparsely populated, that the great and increasing travel renders it extremely difficult to keep the road in tolerable repair—that the expense which would be necessary to improve the road in such manner as the necessities of the

post office department, a just attention to the interest of the increasing population west of the Mississippi, and those facilities which are due from the nation to those who may travel on one of its great thoroughfares, is beyond the means of a new state: and also, that the importance of this road to the post office department; to the commercial interest located at Louisville, Vincennes and St. Louis, and to the citizens of several states in the west, would seem to bring an appropriation by Congress for its improvement within the limits prescribed by the constitution for the exercise of the federal power in relation to internal improvements:

Wherefore, your memorialists respectfully request an appropriation of lands or money for the improvement of said road.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial, to each of our senators and representatives in Congress.

CHAPTER CCII.

A Joint Resolution of the General Assembly, soliciting of Congress a donation of lands to actual settlers in indigent circumstances.

[APPROVED, JANUARY 16, 1832.]

Resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure such amendment to the present land law of the United States, as shall authorize a donation to all white, actual settlers, who are not the owners of any land, of a tract of land of such size as Congress in its wisdom may direct; to be located in districts, wherein the land shall have been ten years in market, upon the condition that such donee shall make specific improvements, and actually reside on the same, for the term of five years.

CHAPTER CCIII.

A Memorial and Joint Resolution, relative to a survey of the Maumee River; and asking of Congress, in favor of Indiana, discretionary powers as to the disposition of our lands lying in the state of Ohio.

[APPROVED, JANUARY 16, 1832.]

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled.—The General Assembly of the state of Indiana, respectfully represent, that influenced by the general welfare, and stimulated by the grant of land made to this state, by the act of Congress of March 2d, 1827, of an extent correspondent with

the whole length of a canal, to connect the waters of the Wabash river with lake Erie, this state has embarked in the disposal of a part of said lands, for the purpose of commencing the construction of a portion of said canal, lying within her boundaries, trusting that the donation of lands and her mutual interests, would equally insure the concurrent action of the state of Ohio, in constructing a part of said canal which must extend through her limits, to accomplish the object first contemplated:—but owing probably to her engagement in other works of improvement, or for other reasons, said state of Ohio has not thus far, ratified a negotiation entered into a year since, under the authority of the legislatures of the respective states, by their commissioners; by which Indiana offered a relinquishment of the land donated, within the boundaries of Ohio, to construct that portion of said canal.

Wherefore, to enable this state if it be necessary, under her own authority, to effect the extension of the connection aforesaid, with the waters of Lake Erie, which is essential to render the construction of the part of the canal in Indiana, of proper avail; this General Assembly respectfully solicit, that an examination of the Maumee river, be forthwith-made, to ascertain the practicability of effecting a steam-boat slack-water navigation, to connect the line of canal in this state, with Lake Erie, either by a corps of engineers, under the direction of the United States, or under authority to be given to this state, and that the lands thereupon accruing to this state, for the prosecution of said canal, as heretofore provided through the state of Ohio, may be conditionally changed, and the terms of the said grant, so modified, and the power of Indiana so far extended, that she may, at her discretion, appropriate the same to the improvement of the Maumee river, (a reserved public highway of the United States) as may make its navigation, east of the boundary line of this state, a sufficient extension of the contemplated connection of the waters of the Wabash with those of Lake Erie: therefore,

Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use due efforts to obtain an accurate examination of the Maumee river, from the Bay, at Lake Erie, to our state line, by a corps of United States' Engineers, at as early a period as possible, or authority to this state, to employ an engineer, and effect the same; also, to procure such a change in the land donated for the extension of the Wabash and Erie canal, through the state of Ohio, as will enable this state, at her discretion, to devote the proceeds of said land, to the improvement of the river aforesaid.

Resolved, That the Governor be requested, to transmit a copy of the foregoing memorial and resolution, to each of our Senators and Representatives in Congress.

CHAPTER CCIV.

A Joint Resolution, relative to the officers and soldiers, and the militia who bore arms in the war of the Revolution, and who are not entitled to pensions under any existing law.

[APPROVED, JANUARY 26, 1832.]

WHEREAS, there remains a part of the officers and soldiers of the Revolution, to whom the pension law of the United States does not extend, who rendered services in defence of the liberties of their country, against the unjust aggressions of the crown of Great Britain: And as at this day, there are left but a feeble few of that noble band of patriots; Therefore,

Be it resolved by the General Assembly of the State of Indiana, That we fully and freely accord with the feelings, and respond to the resolution adopted by the Senate and House of Representatives of the state of Delaware, and with them, cheerfully acknowledge, that not only "a debt of gratitude and respect is due to those venerable patriots of the Revolution," but that to smooth the rugged path of declining age, liberal and ample compensation should be awarded to all who now survive, who have borne arms in defence of their country, from the commencement of hostilities in 1775, to the close of the war of the Revolution; whether of the continental line, state line or militia; under such regulations, as the wisdom of congress may think it expedient to adopt. And that our senators in congress be instructed, and our representatives requested, to use all honourable means to obtain the passage of a law, having for its object, a subject so congenial to the wishes of a free and happy people, and at the same time so righteous, and so loudly called for by gratitude and justice.

Resolved, That his excellency the governor, be requested to forward a copy hereof, to each of our senators and representatives in congress; also, a copy to the governors of the several states, with a view that the same may be submitted to their respective Legislatures.

JOINT RESOLUTIONS.

CHAPTER CCV.

A Joint Resolution relative to a more perfect organization of the Militia of the several states.

[APPROVED, JANUARY 26, 1832.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in congress be, and they are hereby instructed, and our representatives requested, to use their exertions, both by their votes and influence, to procure the passage of a law, providing for a more perfect and uniform organization of the militia of the several states of the Union, in pursuance to the constitution of the United States.

Resolved, That his excellency the governor of this state, be directed to transmit to each of our senators and representatives in congress, a copy of the foregoing resolution; also, a copy to the governors of other states in the Union, with a view that the same may be submitted to the consideration of their respective Legislatures.

CHAPTER CCVI.

A Joint Resolution on the subject of the United States' Bank.

[APPROVED, FEBRUARY 2, 1832.]

Resolved by the General Assembly of the State of Indiana, That the president and directors of the United States' Bank, be, and they are hereby respectfully requested, to locate and establish one or more branches in this state.

Resolved, That the governor transmit a copy of this resolution to the president of the bank at Philadelphia.

SECRETARY'S OFFICE.

INDIANA, to-wit:

I, JAMES MORRISON, Secretary of State, of the state aforesaid, hereby certify, that I have compared the foregoing printed, with the enrolled Acts, Joint Resolutions and Memorials, on file in my office; and have found them correctly printed, with the exception of a few interpolations, marked thus [], introduced to aid the sense.

In testimony whereof, I have hereto affixed my name, at Indianapolis, the 20th day of March, A. D. 1832, and sixteenth year of the state.

JAMES MORRISON, Sec'y. of State.

AUDITOR'S REPORT.

289

AUDITOR'S OFFICE, Dec. 9, 1831.

In obedience to the act entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," the auditor submits the following report of Receipts and Expenditures, on account of the State of Indiana, from the 5th day of December, 1830, to the 3d of December, 1831, (both inclusive.)

There was remaining in the Treasury, on the 4th day of December, 1830, provided all claims audited to that date were paid,

\$33,794 89

Since that period, there has been paid into the Treasury on account of revenue unpaid for the year

1822	\$215 39
1825	109 50
1827	25 00
1828	53 94
1829	15 25

By collectors of revenue for

1830	30,550 85
1831	3,653 08

34,622 91

For sales of Michigan Road lands,	48,563 33
From Fund Commissioners of the Wabash and Erie Canal,	12,360 52
From Agent of State for the town of Indianapolis,	7,799 39
From sales of Seminary lands	6,010 80
From sales of lands mortgaged to State,	615 70
From borrowers of Seminary fund (refunded)	2,155 00
From interest received on loans of Seminary funds,	1,740 34
From estates without heirs,	345 90
From conscientious fines,	4 65
From Agents of Salt Springs,	143 50
From Superintendent of State Prison,	800 00
	80,539 13

Making the total amount of Receipts, Since the above period there has been audited for Public Printing and stationary,

148,956 93

For expenses of last General Assembly, including pay of members, clerks and door-keepers,	8,382 12
For salaries of executive officers,	15,247 96
For salaries of executive officers,	2,266 67
For Prosecuting Attorneys,	1,033 24
For salaries of Supreme and President Judges,	8,473 15
For allowances to Probate Judges,	1,734 00
For Adjutant and Quarter Masters General's salaries,	112 59
For expenses of State Seminary,	3,739 48
For annual allowance to State Library,	125 00

TREASURER'S REPORT.

For Expenses of State Prison,	1,039 52
“ W. and E. Canal,	4,447 47
“ Michigan Road,	49,368 19
“ Seat of Government,	686 60
For specific appropriations of last session,	1,413 94
For expense superintending Salt Springs,	41 66
For redemption of Wolf Scalp certificates,	734 50
The amount of loans of Seminary funds as reported by the Treasurer of state is,	5,003 00
The amount of contingent expenses as reported by Treasurer,	1,074 61
Making the total amount of expenditures,	\$104,923 61
From \$148,956 93, (the receipts) take \$104,923 61 (the expenditures) and there remains in the Treasury on the 5th of Dec. 1831, the sum of	\$44,033 32

The amount of assessment for the present year, is \$42,700 50, from which, after deducting delinquencies and expenses incident to the collection of the revenue, there will probably be realized \$35,500 00.

During the present year, there has been paid into the Treasury of old delinquencies, \$418 98. A considerable portion of the claims against delinquent collectors, the Auditor is advised by the Prosecuting Attorneys, in whose hands they are placed, will ultimately be saved; several are already secured.

Respectfully submitted,
MORRIS MORRIS, A. P. A.

TREASURY DEPARTMENT, Dec. 8, 1831.

The Treasurer, in obedience to the directions of the Act concerning the Auditor of Public Accounts and Treasurer of State, respectfully submits the following report of the Revenue and Expenditure of the State, from December 4th, 1830, to December 3d, 1831.

Cash on hand Dec. 4th, 1830,	\$34,059 93
Receipts from that day to Dec. 3d, 1831:	
From Revenue assessed for	1822 \$215 29
“ “ “ “	1825 109 50
“ “ “ “	1827 25 00
“ “ “ “	1828 53 94
“ “ “ “	1829 15 25
“ “ “ “	1830 30550 85
“ “ “ “	1831 3653 08

Total Revenue,	\$34622 91
From the Agent for Indianapolis,	7799 39
“ “ Canal Commissioners,	12360 57

TREASURER'S REPORT.

“ “ Superintendent of the State Prison,	800 00
“ “ Commissioners of the Seminary Townships,	6010 80
“ “ Loans refunded,	2155 00
“ “ Interest on loans,	1740 34
“ “ Sales of mortgaged land,	615 70
“ “ Estates without heirs,	345 90
“ “ Militia fines,	4 65
“ “ Rents of Salt Spring Reserves,	143 50
“ “ Sales of Michigan Road Lands,	48563 33
Total,	\$149221 97
Payments from the Treasury during the above period to the Adjutant and Quarter Master Generals,	112 50
For advertising Presidential election,	1 00
Salaries of Prosecutors,	1033 24
“ “ Executive officers,	2266 67
“ “ Judges,	8717 19
<i>Legislative Expenses:</i>	
Pay and mileage of members,	\$12412 46
“ of Clerks and Doorkeepers,	2835 50
	\$15247 94
Specific appropriations,	1413 96
<i>Printing and Stationary:</i>	
Paid the Public Printers,	\$2395 26
“ Book binders,	2304 85
“ for stationary and carriage,	3361 01
“ for distributing Laws,	321 00
	8382 12
Pay of Probate Judges,	1734 00
Premiums for Wolf Scalps,	733 50
Contingent expenses,	1074 61
State Library,	125 00
State Prison,	1025 77
Salt Springs,	41 66
Making the ordinary expenses amount to	\$41909 16
<i>There has also been paid</i>	
For Michigan Road,	824 68
State Seminary,	3739 48
Seat of Government,	686 60
Loans of Seminary funds,	5003 00
Wabash and Miami Canal,	4447 47
Michigan Road scrip,	48563 33
Balance in Treasury,	44048 07
	149221 97

The cash on hand consists of the following items:
Wabash and Miami Canal fund, \$23719 74

Indianapolis fund,	13878 44
Seminary fund,	306 67
Conscientious fines,	566 50
There are outstanding warrants for	14 75
Salaries of Judges, Prosecutors, Adjutant Generals,	
due, but not audited, amounting to	1367 68
Claims of Probate Judges, (estimate,)	1200 00

Making in all,	\$41053 78
Which deducted from the cash on hand leaves	2994 29
The Revenue of 1831 to be paid subsequently	
to the 4th, will probably amount to	34000 00
Old arrearages,	500 00
	<u>\$37494 29</u>

The expenses of the ensuing year may be estimated as follows:

Salaries of Judges and Prosecutors,	8200 00
Executive officers,	2400 00
Printing and Stationary,	4000 00
Legislature,	16000 00
Contingencies,	1000 00
State Prison,	500 00
Wolf Scalps,	800 00
Probate Judges,	2000 00
Specific appropriations,	120 00
Presidential election,	600 00
State Library, Adjutant General, &c.	300 00
	<u>\$37000 00</u>

Which will leave in the Treasury, 1st December, 1832, \$494 29. The revenue of the present year will probably exceed that of the last more than \$3000, and this ratio of increase may be expected to continue for several years. But if the Canal and Indianapolis funds should be withdrawn from the Treasury, an increase of revenue, at least to the amount anticipated, must be very desirable to meet the necessities of liberal legislation. It is very gratifying to be able to state, that there was but one delinquent out of sixty-three collectors for the year 1830. A few years since, the State Debt was nearly 30,000 dollars, and not one in ten of the Collectors settled their accounts at the Treasury within the time prescribed to them by law. The debt has been paid; the taxes have been reduced nearly 50 per cent. and the ability and willingness to pay is evidenced by the delinquent lists of collectors, which in general do not exceed half what they formerly were in proportion to the sums collected.

Respectfully submitted,
S. MERRILL.

INDEX.

The Figures refer to the pages; the dashes under the figures, denote the same page.

A.		BRIDGE COMPANIES.	
		Harrison and White Water	150
		Fredericksburgh	152
		Silver creek	155
		Ohio, at the Falls	166
		Joint resolution to ascertain the terms of a loan, to take stock in Bridge at the Falls	276
		BROWNSTOWN MANUFACTURING COMPANY.	
		Incorporated	127
AD QUOD DAMNUM.		C.	
Granted to Jno. Long and Wm. Sill	89	CANAL.	
Regulating writ of, in Knox co. amended	—	Act providing means to construct Wabash and Erie, amended	3
		Regulating sales of its lands	102
		Wabash fund, loaned to	275
		Memorial praying means for a canal to connect White River with the Wabash	278
		CAPITOL.	
		Act to provide for erecting	96
		Plan of, adopted	275
		CLERKS.	
		Of C. court, bond of	249
		COMMON SCHOOLS.	
		(See schools, common.)	
		CONE, THEODORE C.	
		Tomb stones over the grave of, authorized	276
		CONGRESSIONAL SCHOOLS.	
		(See school sections.)	
		COUNTIES, NEW.	
		Laporte formed	9
		Lagrange formed	111
		Huntington, Wabash, and Miami formed	112
		COUNTY BOUNDARIES.	
		Line between Vermillion and War-	
ACTS AND JOINT RESOLUTIONS.			
Of last session; act declaratory of	270		
Joint resolution in regard to printing those of the present session	272		
" resolution supplemental to do.	—		
AGENT OF INDIANAPOLIS.			
Shall sell additional lots, &c.	99		
Shall lease a certain square to the Marion county seminary	—		
AIKIN, WALKER, AND LIVINGSTON.			
Act confirming to them certain rights	92		
APPROPRIATIONS.			
General for 1832	238		
Specific " "	—		
(See also Michigan road, Roads state, Three per cent. fund, &c.)			
AUDITOR OF STATE.			
Shall procure tract book, &c.	277		
B.			
BANK NOTES.			
Foreign, of a less denomination than \$5 00, prohibited	269		
BARTHOLOMEW COUNTY.			
Act for additional tax in, repealed	17		
BONER JOHN.			
Act for relief of	85		
BOONE COUNTY.			
Act to fix seat of justice of	114		
BRENT, ANDERSON, AND OTHERS.			
Act for benefit of	92		

ren, to be surveyed	106	CUMBERLAND ROAD.	
Southern boundary of Elkhart changed	112	Act for the relief of contractors on	86
Line between Elkhart and St. Joseph changed	114	D.	
Act relative to county boundaries amended	267	DANVILLE SCHOOL SOCIETY.	
		Act incorporating	16
COUNTY COMMISSIONERS.		DEARBORN COUNTY.	
Elections of, legalized	23	Fees of recorder of, for certain services	104
Proceedings of board of, for Union county, legalized	101	DECATUR COUNTY.	
" of board of St. Joseph	105	Act incorporating seminary of	117
COUNTY SEMINARIES.		DRAINS.	
Trustee of in Pike co. shall collect and loan fund	18	Of swamps, &c. in several counties	106
Agent of Indianapolis shall lease to Marion co. seminary a certain square	101	E.	
Trustee of, in Ripley, shall loan fund	90	EDWARDES, JOHN.	
Franklin co. seminary incorporated	116	Special session for trial of	237
Decatur county	117	ELECTIONS.	
Greene county	119	Of trustees of Presbyterian congregation in Evansville, legalized	108
Repeal of the 10th sec. of the act relating to county seminaries	263	Of President and V. President of the U. States	253
		Supplement to the act to regulate general elections	262
COURTS, CIRCUIT.		ELKHART COUNTY.	
Marion C. court authorized to hold a special session for the trial of Jno. Enochs	13	Proceedings of commissioners to fix seat of justice of, legalized	94
Vermillion C. court shall change the venue in the case of James Burns	15	Southern boundary of, changed	112
Marion C. court shall hold a special session for trial of Jno. Edwards	237	Line between, and St. Joseph, changed	114
Act dividing the state into judicial circuits, &c. amended	242	ELLIOTT AND PUCKET.	
		Authorized to convey certain property	93
COURTS PROBATE.		EVIDENCE.	
Act organizing &c. amended	245	Act explanatory of	247
COURT SUPREME.		F.	
Act organizing, amended as to its terms, &c.	244	FEES.	
		Of recorder of Dearborn county, for recording evidences of titles consumed by fire, &c.	104
CRANER, THOMAS.		FERGUSON, JOHN.	
Act for relief of	81	Act for relief of	96
CRAWFORDSVILLE.		FLOYD COUNTY.	
Act dissolving corporation of	18	Poor of, how kept	20

FRANKLIN COUNTY.		" to incorporate the town of Terre Haute	133
Act incorporating seminary, amended	116	" to incorporate the town of Washington	134
FRAUDS AND PERJURIES.		" to incorporate the town of New Albany	136
Act for the prevention of, amended	246	" supplement to the act to incorporate the Wabash insurance company	142
FREDONIA SCHOOL SOCIETY.		" to amend and restrict the charter granted to the Madison insurance company	143
Incorporated	131	" to incorporate the Lawrenceburgh insurance company	144
G.		" to incorporate the Harrison and White Water bridge company	150
GRANT COUNTY.		" to incorporate the Fredericksburgh bridge company	152
Revenue of, to be refunded	20	" incorporating a company to build a bridge over Silver creek, near its mouth	155
GREENE COUNTY.		" to incorporate the New Albany insurance company	160
County seminary, incorporated	119	" to ratify and confirm an act of the legislature of Kentucky incorporating a company to build a bridge over the Ohio river, at the Falls	166
GREENWOOD EDUCATION SOCIETY.		" to incorporate the Lawrenceburgh and Indianapolis rail road company	173
Incorporated	132	" to incorporate the Madison, Indianapolis and Lafayette rail road company	181
GROCERIES AND TAVERNS.		" to incorporate the Ohio and Lafayette rail road company	189
Act to license and regulate	259	" to incorporate the Wabash and Michigan rail road company	197
H.		" to incorporate the Harrison and Indianapolis rail road company	205
HANOVER ACADEMY.		" to incorporate the New Albany, Salem, Indianapolis, and Wabash rail road company	214
Powers of, extended	132	" to incorporate the Richmond, Eaton, and Miami rail road company	223
HOGAN CRLEK.		" to incorporate the Ohio and Indianapolis rail road company	227
In Dearborn county, a public highway	22	" incorporating towns, amended	265
HUNTINGTON COUNTY.		INDIANAPOLIS.	
Formed	112	Supplement to act authorizing the agent of state to lay off the	
I.			
INCORPORATIONS.			
Act incorporating the Franklin county seminary, amended	116		
" to incorporate the Decatur county seminary	117		
" to incorporate the Greene county seminary	119		
" to incorporate the Brownstown manufacturing company	127		
" to incorporate Lyceums	130		
" to incorporate the Freedonia school society in Crawford county	131		
" to extend the powers of the Hanover academy	132		
" to incorporate the Greenwood education society	—		

land of, &c. and offer it for sale, &c.	99	county of Dearborn	—
Agent of, shall lease a certain square, to Marion county seminary	107	For the relief of persons whose lands have been forfeited	284
INDIANS.		Relative to the Louisville and St. Louis mail route	—
Sale of ardent spirits to, prohibited	268	Soliciting donations of land to actual settlers in indigent circumstances	285
INSURANCE COMPANIES.		Asking discretionary power as to the disposition of our lands, lying in Ohio	—
Wabash	142	Relative to the officers and soldiers of the revolutionary war	287
Madison	143	Relative to a more perfect organization of the militia	288
Lawrenceburgh	144	On the subject of the U. States' bank	—
New Albany	160	JONES, JOHN.	
J.		Act for relief of	88
JACKSON COUNTY.		JUSTICES OF THE PEACE.	
Proceedings of school trustees in township 5, &c. legalized	16	Proceedings against, for failing to give bond	249
JAMESTOWN.		Act regulating the jurisdiction and duties of, amended	250
Name of, changed to Carrollton	105	K.	
JOHNSON COUNTY.		KNOX COUNTY.	
Boundaries of, corrected	267	Poor house of	22
JOINT RESOLUTIONS AND MEMORIALS.		Act regulating writ of ad quod damnum in	89
On the subject of printing the laws, &c. of the present session	272	KOONTS' HEIRS.	
For the benefit of Wm. Polke and others	—	Conveyance from, how made	93
Relative to the Michigan road scrip	273	L.	
Authorizing the secretary of state to purchase certain books for the state library	—	LAGRANGE COUNTY.	
For the relief of Daniel Pattengale	274	Formed	110
"the relief of R. C. Talbott and John Alling	—	LAWRENCEBURGH INSURANCE COMPANY.	
Authorizing a loan of the Wabash fund to the canal fund	275	Incorporated	144
Adopting the plan for a state house	—	LAWS, JOINT RESOLUTIONS, &c.	
For the erection of tomb stones, over the grave of the late T. C. Cone, Esq. dec.	276	Of the present session, how printed	272
To ascertain the terms upon which the state may obtain a loan to invest in bridge stock at the Falls	—	LONG AND SILL.	
Relative to procuring tract books, &c.	277	May build a dam across Tippecanoe river	89
Concerning the public lands	281	LOTTERIES.	
Relative to " "	—	And sale of lottery tickets prohibited	269
On the subject of the saline reserves	282		
Relative to the saline reserve in the			

LYCEUMS.		section in, legalized	236
How incorporated	130	P.	
M.		PATTINGALE, DANIEL.	
MADISON INSURANCE COMPANY.		Joint resolution for relief of	274
Charter amended and restricted	143	PIKE COUNTY.	
MEMORIALS.		Trustee of seminary of, shall collect and loan fund	18
(See joint resolutions, &c.)		POLKE, WILLIAM.	
McCLELLAND FRANCIS.		Joint resolution for the benefit of, and others	272
Act for relief of	19	POOR HOUSES.	
MIAMI COUNTY.		In Floyd county	20
Formed	112	" Knox "	22
MICHIGAN ROAD.		PRAIRIE WOLVES.	
Act for relief of contractors on	89	Premium for killing	268
Lands how sold, and read how opened	127	PRESIDENT AND V. PRESIDENT.	
Appropriations to Wm. Polke and others	272	Election of	253
Scrip of, redeemed, shall be destroyed	273	PRINTING.	
MILLER, DAVID.		Joint resolution on the subject of printing the laws of the present session	272
Proceedings of, as commissioner, &c. legalized	94	" resolution supplemental to do.	—
MILL DAMS.		PROBATE COURTS.	
Long and Sill, may construct one across Tippecanoe river	89	Act organizing, amended	245
In Knox county regulated	—	PUCKET, ISAM.	
MONTGOMERY COUNTY.		Conveyance by, authorized	93
Sale of school lands in, legalized	115	R.	
Swamps, &c. how drained	106	RAIL ROADS.	
N.		From Lawrenceburgh to Indianapolis	173
NEW ALBANY.		" Madison to Indianapolis and Lafayette	181
Town of, incorporated	136	" Falls of Ohio to Lafayette	189
Insurance company, incorporated	160	" Lafayette to Trail creek, in LaPorte county	197
NOTES, BANK.		" Harrison to Indianapolis	205
Foreign, restricted	269	" New Albany to Indianapolis and the Wabash river	214
O.		" Richmond to Eaton	223
OFFICERS.		" Jeffersonville to Indianapolis	227
Civil, shall give bond and security	249	RECORDERS.	
OWEN COUNTY.		Fees of recorder of Dearborn county	—
Proceedings of trustees of school			

ty for evidences of titles consumed by fire, &c.	104	REVENUE.	
Pro tem. appointment of recorder to fill a vacancy, how made	263	Of Grant county, to be refunded	26
RECOGNIZANCES.		RIPLEY COUNTY.	
Taken by sheriffs or coroners, for crimes cognizable by justices of the peace, shall be made returnable before J. P.	258	Seminary trustee of, shall loan fund	90
RELIEF.		ROAD, CUMBERLAND.	
Act for the relief of Francis McClelland	19	Act for relief of contractors on	86
" for the relief of Thomas Craner	81	ROAD, MICHIGAN.	
" for the relief of John Boner	—	Act for relief of contractors on	87
" for the relief of Alloway, Harvey and McEwen	85	" to provide for selling the Michigan road lands, opening the road, &c.	122
" for the relief of contractors on the Cumberland road	86	ROADS AND HIGHWAYS.	
" for the relief of contractors on the Michigan road	87	Act for opening and repairing, amended	259
" for the relief of Samuel Smith	—	ROADS, STATE.	
" for the relief of John Jones	88	Act to change a part of the one from Indianapolis, via Danville and Rockville, to Montezuma	10
" for the relief of Aiken, Walker and Livingston	92	" to change a part of the one from New Albany to Salem, within Floyd county	11
" for the relief of Brent and Anderson	—	" to change a part of the one from Martinsville to Leavenworth	13
" for the relief of Jacob Whiting	94	From the county seat of Grant to county seat of Elkhart, established	19
" for the relief of Curtis Smith	95	Act providing for re-locating part of Winchester and Fort Wayne state road	24
" for the relief of John Ferguson	96	" to change part of, from Indianapolis, via Danville and Rockville, to Montezuma	25
" for the relief of persons suffering by the destruction of the records of Dearborn county	104	" to relocate part of Mauk's ferry state road, and to provide for sale of materials of Muscatituck bridge, &c.	—
" for the relief of the Presbyterian congregation in Evansville, election of, legalized	108	" to relocate part of the Fort Wayne state road	26
" for the relief of Daniel Pattin-gale	274	" to amend the act "to establish certain state roads therein named," viz: as regards the one from New Albany, by way of Corydon and Fredonia, to Princeton	27
" for the relief of R. C. Talbott and Jno. Alling	—	" to relocate, from Bedford to Beck's mill, in Washington co.	28
REPEAL.		" appointing Joseph Allen a commissioner, &c. in place of Lis-mund Basye	29
Of an act for the relief of certain purchasers in the reserved township in Monroe county	14	" to alter and relocate part of the Vernon and Fort Wayne state	
" an act authorizing Bartholomew county to levy an additional tax the 10th section of the act relating to county seminaries	263		
RESERVED TOWNSHIPS.			
Act for the benefit of purchasers in Monroe county repealed	14		

road, and part of the Shelbyville state road in Rush county	—	" to change the location of the one leading from Newcastle to Milton	46
" to establish one from Knights-town in Henry co. by way of Pendleton, to Strawtown in Hamilton county	30	" to locate one from Terre Haute, via Rockville, to Crawfordsville	47
" to locate one from Woods' ferry, in Lawrence county, to Bloomfield in Greene county	32	" to locate one from Montezuma to Crawfordsville	48
" to locate one from Spencer in Owen county, by way of Bowlinggreen, &c. to Terre Haute	33	" to locate one from the west bank of the Wabash river, &c. to the state line	49
" to appoint commissioners on one, situated in Pike and Gibson counties	34	" supplemental to "an act to establish a state road from Richmond, Wayne county, to Fort Wayne"	50
" to locate one from Jefferson in Clinton county, to Attica, thence &c. to intersect the Williamsport state road in the direction of Chicago	35	" reviving part of road No. 27, from Rome, in Perry county, to Fredonia, &c.	51
" to locate one from Army ford, on Big Raceon, via Montezuma, &c. to Lafayette	36	" to locate one from New Albany to Lexington	52
" to relocate a part of the Williamsport state road	—	" applying the portion of the three per cent. fund in Ripley county, to locate a state road from Bloomington, via Leesville, &c. to the Mauk's ferry state road, near Wm. Logan's, in Washington county	—
" to locate one from Louisville in Henry county, to New Castle	37	" to establish one from Fredericksburgh, in Washington county, to Terre Haute	54
" to locate and open part of the state road from Madison, &c. to Lawrenceburgh	38	" to relocate part of the Lawrenceburgh and Rushville state road, in Rush county	55
" to establish one from Connorsville, in Fayette county, to Raysville, in Henry county	39	" to locate one from the Belle Fontaine road, on the Ohio line, to the east line of Indiana, &c.	—
" to locate one from Clinton, in Vermillion county, by Patton's mills, to the National Road in Vigo county	41	" to locate one, from New Albany to Jeffersonville	56
" to relocate a part of the one from Greencastle to Russellville	42	" to locate one, from Greensburgh, by way of Goshen, to Columbus	57
" to locate one from Martinsville, &c. to Frankfort, in Clinton county	43	" to establish one, from Fort Wayne to South Bend, in St. Joseph co. &c.	59
" appropriating \$75 on a road from Mooresville, to intersect the state road from Spencer to Danville	44	" to amend the act to establish a state road from Wm. Connelly's, in Lawrence county, to Greencastle, &c.	60
" to locate one from the Ohio line, &c. to intersect the Miamiesport road, near Sanders', in Delaware county	—	" to relocate part of the one from Frankfort to Lafayette	—
" to locate one from Napoleon to Brookville	45	" to locate one from Winchester, in Randolph co. to Newcastle, in Henry co.	61
		" to establish one, from Greensburgh, in Decatur co. to Brook-	

ville	62	sioner, and to expend the same	80
"to relocate a part of the one, from Newcastle to Lafayette	63	"to relieve Thos. Craner, allowing him extra compensation, as a road commissioner, &c.	81
"to locate one, from Fort Wayne to Monquouemong prairie	64	"to relieve Jno. Boner, of Jennings co. in a contract made with S. Robinson, road commissioner, &c.	82
"to locate one, from Legrange, in Tippecanoe co. to Logansport	65	"to prevent useless and expensive applications to the general assembly, relating to state roads	83
"to locate a part of the one from Terre Haute, via Carlisle, &c. to Mount Pleasant	66	"to locate one from Evansville to Anthony's ferry, revived	104
"to establish one, from Napoleon to Jehu Perkins' in Rush co.	67		
"to locate one, from sec. 12, T. 12, N. R. 10 E to New Salem, in Rush co. and to the National Road, in Henry co.	—	S.	
"to establish one, from Greensburgh to Noblesville	68	SALINES AND SALINE RESERVES.	
"to locate one, from Mount Pleasant, &c. to the Vincennes state road, in the forks of White and El rivers	69	Act respecting, amended	109
"to locate one, from the Montgomery and Hendricks county line, &c. towards Crawfordsville	70	(See joint resolutions)	
"to change a part of the Lafayette state road	71	SCHOOLS, COMMON.	
"to locate one, from Munceytown to Pendleton	—	Act to provide a fund to encourage	264
"appropriating the portion of the three per cent. fund to which Greene county is entitled	72	SCHOOL SECTIONS.	
"locating one, from county seat of Delaware, to intersect the state road from Andersonstown to Fort Wayne	74	Act legalizing the proceedings of the trustees of T. 5, N. of R. 4 E. in Jackson county	16
"to continue one, from Parish's Grove to the state line towards the rapids of Illinois	—	Citizens of T. 20, N. R. 10 W. in Warren co. authorized to sell	21
"to change a part of the Madison and Brownstown state road	75	Sales of, in Montgomery and Tippecanoe counties, legalized	115
"authorizing a distribution of the money due road to No. 8	76	Proceedings of trustees of T. 9, N. R. 4, W. in Owen county, legalized	236
"to appropriate the amount due road No. 6 &c.	77	SEATS OF JUSTICE.	
"to establish one from Lafayette to Parish's Grove	78	Proceedings of commissioners to fix in Elkhart county, legalized	94
"to locate one, from Merom. via New Lebanon, to Bloomfield	79	Act to locate seat of justice for Boone county	114
"to authorize Wm R. Hood to receive certain money from Wm. McCreery, a road commis-		SECURITY.	
		Required of certain public officers	249
		SEMINARIES, COUNTY.	
		(See county seminaries)	
		SEMINARY FUNDS.	
		Act authorizing loan of, amended	116
		SHERIFFS AND CORONERS.	
		Shall give additional security, &c.	249
		Act to provide for the commissioning of, amended	256

SMITH, SAMUEL.		ed	18
Act for relief of	87	Terre-Haute, incorporated	133
		Washington, incorporated	134
		New-Albany, incorporated	136
SMITH, CURTIS.		Act amendatory of the act to incorporate	265
Act for relief of	95		
STATE HOUSE.		TRACT BOOKS.	
Act to provide for the erection of	96	To be procured by auditor, &c.	277
Plan of, adopted	275		
STATE LIBRARY.		U.	
Certain books, to be added to	273	UNION COUNTY.	
STATE PRISON.		Proceedings of commissioners of, legalized	101
Act for relief of subscribers to	17	V.	
ST. JOSEPH COUNTY.		VENUE.	
Proceedings of county commissioners of, legalized	105	In case of Jas. Burns, changed	15
Line between, and Elkhart changed	114	"case of Saml. Smith, changed	87
		"case of John Jones, changed	88
SUPREME COURT.		Act prescribing the mode of changing, amended	248
Act organizing, amended	244	VERMILLION COUNTY.	
SWAMPS, PONDS, &c.		Line between and Warren, how surveyed	106
In several counties, how drained	106	W.	
T.		WABASH COUNTY.	
TALBOTT, R. C. AND JNO. ALLING.		Formed	112
Joint resolution for relief of	274	WABASH FUND.	
TAVERNS AND GROCERIES.		Loaned to canal fund	275
Act to license and regulate	259	WABASH INSURANCE COMPANY.	
TERRE HAUTE.		Supplement to the act incorporating	142
Town of, incorporated	133	WARREN COUNTY.	
THREE PER CENT. FUND.		School section in township 20, may be sold	21
Act of 10th February, 1831, amended	23	Line between, and Vermillion, how surveyed	106
Portion to Ripley county, appropriated	53	Swamps in, how drained	—
"to Greene county, appropriated	72	WASHINGTON.	
Distribution to road No. 8.	76	Town of, incorporated	134
"to road No. 6.	77	WHITINGER, JACOB.	
TIPPECANOE COUNTY.		Act for relief of	94
Sale of school lands in, legalized	115	WILLS.	
Swamps, &c. how drained	106	Foreign, how admitted to record in this state	246
TOWNS.			
Crawfordsville, corporation dissolv-			

WITNESS.		
Shall not be held to answer as to religious belief	274	ing court 274
Non-resident, how paid for attendance		WOLVES.
		Act to encourage the killing of, amended 268

